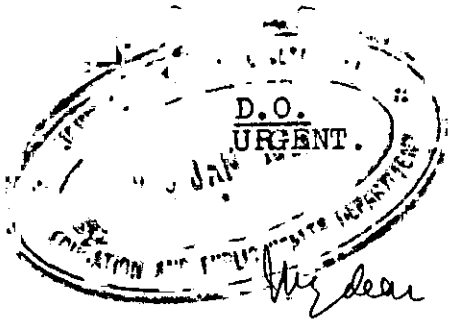
Health (1950) Dept

G.O. Ms. No. 3134
Health
Dt 7.8.50.

Subj:- Medical institutions - Local issues
Mangalore - utilisation by the
transfer of 30 beds from the
Hd. Qrs. Hl. Mangalore - Employ-
ment of addl. staff - sanctd



Office of the Surgeon-General
with the Government of Madras,

MADRAS 6, dated the 24th Jany.1949.
Camp: Mangalore

My dear Lobo Prabhu,

I arrived in Mangalore this evening.

Upto the time I left Madras yesterday evening (23rd instant) I had not received any communication from the Secretariat about the Government's view regarding the offer of "Lalbaugh" site in Mangalore by Sri C.Krishnaswami Naidu. I shall be thankful if you kindly send me this communication so that it reaches me while I am still in Mangalore.

I have already met Mr. Poonja and the District Medical Officer here, and have arrangedto visit the "Lalbaugh" site tomorrow morning. Unfortunately Sri Krishnaswamy Naidu is not here inspite of the fact that the District Medical Officer had requested him both by telegram and letter to meet me here.

I have sent him another telegram on my arrival to come and meet me here.

Yours Sincerely,
S L Bhatia

J.M. Lobo Prabhu,Esq., I.C.S.,
Joint Secretary to Government,
Education & Public Health Deptt.,
Fort Saint George,
MADRAS.

5697

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Class Prefix } .....Code.....

C

Recd. from..... By.....	Sent at.....H.....M. To..... By.....	Office Stamp

Handed in at (Office of Origin).	*Date.*	*Hour.*	*Minute.*	*Service Instructions.*	*Words.*

Recd. here at ..... H. ..... M.

TO

= X KK MANGALORE KNA 26 STE 2.2 EDHEALTH MADRAS

= YOUR TELEGRAM TWENTY-FOURTH AAA INSPECTED LABAZH

PROPERTY AWAITING DR MALLAYAS ARRIVAL AAA MAY EXTEND

STAY HERE = SERICARIAS MANGALORE

N.B.—The name of the Sender, if telegraphed, should be written after, but separated from, the text.

Th. & Co. Ltd. Madras—15-10-'48—68,900 Books.

ASI of IR

2.8

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

MOUNT P

NOTICE

This form must accompany any inquiry made respecting this telegram

Charges to pay. Rs.	As.	Office Stamp.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Mangalore Junction					38

TO Health

Recd. here at 2-3 H. 10 M.

Reference Para Three G O 209 - A/7CH
Fifi Twenty-fourth January aaa
Please wire when Sri Krishnaswamy
naidu expected to arrive
Mangalore So that his News Regarding
transfer deed may be ascertained
Desicarias

N.B.—The name of the sender, if telegraphed, is written after the text.

Th. & P6., Ltd., Madras—15-10-48—68,900 Books.

Express Telegram

Secretaries
Cane District Surgeon
Mangalore

Telegraphic
Dno
27/1

A/11CF

Hr. Naidu not visiting Mangalore now. Stop Can meet him at Madras Flat Refer telegram of twenty fourth

27.1.49.

27/1.49

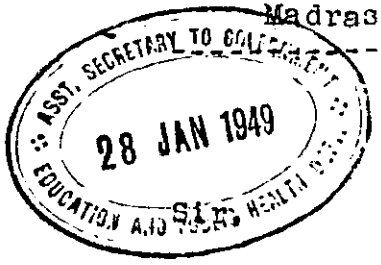
From

H.M. Small Esq., O.B.E.,
M.A., LL.B.,
Government Solicitor,
Madras.

To

The Joint Secretary to Govt.,
Education & Public Health Dept.,
Fort St. George,
Madras.

D3



6310

No. 379 Dated 27th January 1949.

Sir,

Property offered by Sri C.S.Krishnaswamy Naidu-A | 17.18 C
Acceptance of transfer.
Ref. Your letter No.73345 D3/48 dated 25th inst.

I have called for the necessary particulars from the Surgeon-General and as soon as they have been furnished I shall prepare and send him the draft transfer deed required by Government.

Yours faithfully,

H.M. Small

Government Solicitor.

AKK/VS.

D3/3111/47

6459

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

43

NOTICE.

This form must accompany any inquiry made respecting this telegram

Charge to pay Rs. As.

Office Stamp.

Handed in at Office of Origin Date Hour Minute

Service Instructions. Words.

Margalore 19 32

TO Health Mrs. Tym

Read here at H. M.

Returning madras monday third first aaa please ask sri krishnaswami naidu to contact me in my office and furnish title deeds as early as possible Address written after the text C. Mangalore

P.B.—The name of the Sender if telegraphed, is written after the text.

& Co., Ltd., Madras—15-10-'48—68,900 Books.

6995

31 J...

Office of the Surgeon-General
with the Government of Madras,
Camp: Mangalore, dated the 29th Jan.1949

Post copy of express telegram dated 29.1.1949.

(To)

Edhealth, Madras.

Returning (to) Madras (on) Monday Thirtyfirst aaa Please ask Sri (C.S) Krishnaswami Naidu to contact me in my office (at Madras) and furnish title deeds as early as possible.

Sericarias.
Mangalore.

Post copy forwarded in confirmation.

Colonel,
Surgeon-General with the Govt of
Madras.

URGENT.

Office of the Surgeon-General
with the Government of Madras,

Camp: Mangalore, dated the 29.1.1949.

My dear Lobo Prabhu

6857/7 cf

Dr. Mallaya sent me on the 26th January 1949 the Government order Ms.No.209 Public Health dated 24t January 1949 accepting "Lal Bagh" offered by Sri C.S.Krishnaswamy Naidu. The same day I met Dr.Mallayya and discussed the whole matter with him.

According to para 3 of the G.O. cited above, the Surgeon-General is requested to get a transfer deed prepared by the Government Solicitor, to take it with him when he visits Mangalore and to ascertain the views of the donor on it.

The Government Solicitor informs me that he requires the title deeds of the property. As Mr.Naidu was in Madras, you had very kindly informed me by telegram that Mr.Naidu was not visiting Mangalore now, and that I could meet him at Madras. My office in Madras has also contacted Mr.Naiduand I am told that he will be staying in Madras for a week and that he expects to get the documents in Madras. I am therefore leaving for Madras tomorrow morning (30th January) arriving in Madras on the 31st January. Would you kindly ask Mr.Krishnaswamy Naidu to remain in Madras and see me while I am there? This matter would have been expedited had the donor arranged to be in Mangalore during my stay here.

Yours sincerely,
S L Bhatia

J.M.Lobo Prabhu, Esq.,ICS.,
Joint Secretary to Government,
Education & Public Health Deptt.
Madras.

Special

Sent by a Hl. messenger 31-1-49.

Copy to the Sec.

31/1

A/cf

A/cf

Letter No. 5697 D3/49-1 P.H d. 31-1-49. G.O.P.H(D)

My

To

The Sri. C. S. Krishnaswamy Naidu
226. T. H. Road, Tondiarpet
Washermanpet P.O. Madras.

Sir,

Sub: Offer of 'Lal Bagh

I am directed to refer to para 3 of G.O. 209 P.H d. 24-1-49 and copy forwarded with the Department Letter Ref. No. 73345 D3/48-4 P.H d. 24-1-49 and to request you to arrange to meet the S.G. in his office along with the records relating to the property 'Lal Bagh'

so that a draft transfer deed may be got prepared immediately. The S. G has returned to Madras after inspection

yours faithfully

5/11/09.

S. H. Jones

21/1

C. S. Krishnaswamy Naidu.
MEMBER.
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 5th Febry'49

3 FEB 1949

The Surgeon-General
With the Government of Madras,
Cathedral Post,
MADRAS.

Dear Sir,

Medical Relief - Location of a Hospital - Gift of LALBAGH Mangalore.

9272

I am sending herewith the documents of "LAL BAGH", as per details annexed, except the Original Sale Deed, which is now in High Court, Madras, pending against an appeal by the Defendant Mr.Pinto. You may refer the same to my Advocate Sri. R.Rengaswami Iyengar, No. 7, Sunkuram Chetty Street, Madras, and Mr.C.S.Venkatachari, Senior Advocate, Madras.

You may send the documents to the Government Solicitor, for his perusal and querries if any. You may kindly arrange to send me a copy of your draft gift deed for my perusal, after the Government Soliciter is satisfied of the documents ~~and if it is~~ in order.

In the meantime it is most essential that I should have in writing from the Commissioner of Incometax, that Capital Gain tax if any, is exempted on the above gifted property.

Yours faithfully,
(Sd) C.S. Krishnaswamy Naidu.

Copy to:-

1. The Joint Secretary, Education and Public Health Department, Government of Madras, Madras, for information.
2. Sri. R.Rengaswamy Aiyengar, No.7, Sunkuram Chetty Street, Madras, for information.
3. Sri.C.S.Samanna Naidu, my representative at Madras, for information.

C. S. Krishnaswamy Naidu.
MEMBER.
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW DELHI &
NATIONAL PLANNING COMMITTEE.

D2

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 14th Febry'49.

16 FEB 1949

The Surgeon-General,
With The Government of Madras,
Cathedral Post,
MADRAS.

Dear Sir,

1782 Medical Relief - Location of a Hospital -Gift of LAL BAGH Mangalore.

I am glad to inform you that I got a letter from the Commissioner of Incometax, Madras, informing me that I will not taxable to Capital Gains Tax since I am not getting any money over the above gift.

Now the next proceedure is that the Government Solicitor, has to examine the documents of the above property to his satisfaction and to prepare a draft gift deed for my perusal and for final writings which please note.

Yours faithfully,
(S.d) C.S. Krishnaswamy Naidu.

Copy to:- The Joint Secretary, Education and Public Health Department, Government of Madras, Madras, for information.

(2) The Government Solicitor, Madras, for information.

CSD
16/2

Ref.No.92416-9-M1.

Office of the Surgeon-General
with the Government of Madras,
Madras 6, dated the 15th February 1949

From

Col. S.L.Bhatia, MC.MA.MD(CANTAB)FRCP(LOND)FRS(E),
Surgeon-General with the Government of Madras, Madras.

ASST. SECRETARY TO GOVT. EDUCATION AND PUBLIC HEALTH
16 FEB 1949

The Secretary to Government of Madras,
Education & Public Health Department, Madras.

Sir,

11784

Subject: BUILDINGS - Medical institutions at Mangalore O
offer of Sri C.S. Krishnaswami Naidu - Building
"Lalbagh".

Reference: G.O.No. 209 P.H. dated 24th January1949.

With reference to the above G.O. I inspected on 25.1.1949 the buildings known as "Lalbaugh", situated in Ward No.2, Kadiabail Mangalore Town, which has been so generously offered by - Mr. C.S.Krishnaswamy Naidu of Malabar Fisheries, Chaliyam (via Feroke), Malabar District, as a free gift to Government for housing a hospital. This is a substantial building with 5 outhouses surrounded by some fruit growing trees, the extent of the whole area being about 7 acres of land. There is also a compound wall (laterite) of about 2500 ft.

I am of opinion that the building is suitable at present for starting a Tuberculosis Clinic with 25 beds for Tuberculosis.

P.T.O.

As regards the question of shifting any other departments of the two hospitals, viz., The Government Wenlock Hospital and Lady Goschen Hospital, Mangalore, to this building ("Lalbaugh"), I shall send a further report together with recurring and non-recurring expenditure involved after getting certain details from the District Medical Officer, Mangalore.

3. With reference to para I (3) of the above G.O. I am state that the Commissioner of Incometax, Madras, has informed the donor, Mr. C.S.Krishnaswamy Naidu, that as the property is to be handed over to the Government of Madras as a free gift for housing a hospital and as no profit or gain arises out of the transaction he is not liable to Capital Gains Tax. A copy of the Commissioner of Incometax, Madras, to Mr. C.S.Krishnaswamy Naidu, (copy sent to this office) is enclosed for the information of Government.

4. I have since received the documents of "Lalbaugh" from the donor, except the Original Sale Deed, which is said to be now in the High Court, Madras, in connection with an appeal pending. The documents are being forwarded to the Government Solicitor, Madras, for taking necessary action to prepare the Transfer Deed.

Yours faithfully,

For Surgeon-General with the Govt. of Madras.

MEDICAL DEPARTMENT.

From

Col.S.L.Bhatia, MC.,MA.,MD.(Cantab),FRCP(Lond.)FRS(E),
Surgeon-General with the Government of Madras,Madras.

To

The Secretary to Government, Education and Public Health Department, Madras.

Ref:-92416-M1 dated 16-2-49.

Sir,

Sub:-Buildings-Medical Institution at Mangalore-Gift of property to the Government of Madras.

I enclose herewith a copy of letter No.228(8) dated 11-2-49 of the Commissioner of Income-tax, Madras addressed to Sri C.S.Krishnaswami Naidu Malabar Fisheries Co.,Chaliyam (viz Feroke) and copy sent to this office, being the enclosure to my letter No. 92416-M1 dated 15-2-49.

Yours faithfully,

for Surgeon-General with the Government of Madras.

Copy of letter:-

With reference to your letter dated 28-1-49 I have the honour to inform you that as the property to be handed over to the Government of Madras is as a free gift for housing a hospital and as no profit or gain arises out of the transaction you will not be liable to Capital Gains Tax.

Capital Gains Tax is payable by an assessee only in respect of any profits or gains arising from the sale, exchange or transfer of a capital asset effected after the 31st day of March 1946. Gifts are specifically excluded from the definition of 'transfer' for this purpose.

/True Copy/

for Surgeon-General with the Government of Madras

Ed.P.H (D3)

The main file has been circulated to the H.Ds (P.H). This may be added to the file on its return.

26.2.25.

23/2/25.

23/2/25

Special

(A)/49.
Mp. 23-24 49.

Memo No. 5697 D2/49-2 P.H.-d. 9-3-49.

Buildings - Medical institutions at Mangalore - Offer of the building "Lalbagh".

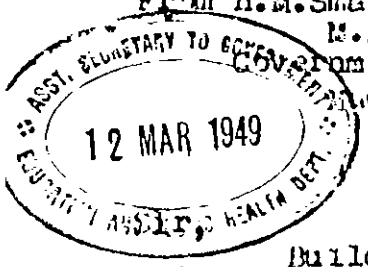
Ref: G.O./MS. No. 209 P.H. dated 24-1-49.
From the S.S., No. 92416-5-III, dated 15-2-49.

The S.S. is informed that as it will take time for a decision to be arrived at on the question as to how exactly the property "Lalbagh" is to be used, it is enough if it is mentioned in the transfer deed that the property will be used by Govt. for medical relief purposes. A transfer deed may be prepared immediately so that steps may be taken to get it executed without any delay.

To
The S.S.
Copy to the Govt. Solicitor, Madras.

From H.M.Small Esq., O.B.E.
M.A., LL.B.,
Government Solicitor
Madras.

To C. S. Krishnaswamy Naidu, Esq.,
Malabar Fisheries Company,
Chaliyam (Via Feroke).



1020. 10th March 1949.

Sir,

Buildings - Lal Bagh - Mangalore - Location of a Hospital.

19255 I am duly in receipt of your letter dated the 2nd instant.

I note that Coona Krishnaswamy Babu Naidu is your son. Since the title deed stands in his name he should join with you in executing the proposed Deed of Gift in favour of Government. In this connection it is also necessary for me to to be satisfied that you have authority to execute the Deed of Gift. Will you please advise me whether you have any other sons? Are they all majors or is any one of them a minor? Please give full details giving ages, etc.

re appeal pending in the High Court.

A I note your explanation that the disputed land is not included in the property proposed to be given to Government and I accept the explanation.

Yours faithfully,

H.M. Small

Government Solicitor.

AKK/MRV

1021. Copies for information to: 1. The Surgeon-General with the

1022 Government of Madras, Cathedral Post, Madras, and (2) The Joint Secretary, Education & Public Health Department, Fort St.George, Madras.

SPECIAL

Medical Department.

From

The Surgeon-General with the Govt. of Madras, Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

Ref. 92416-MI dated 11-3-49.

Sir;

19610

Sub:- Buildings - Medical Institution at Mangalore - Offer of Sri C.S.Krishnawamy Naidu - Building 'Lal Bagh'.

...

Ref:- G.O.No.209 P.H. dated 24-1-49.

..

In continuation of this office letter No.92416-9-MI dated ~~15-2-49~~ regarding the conversion of 'Lal Bagh' Mangalore into a Tuberculosis Hospital, I forward herewith a statement showing the recurring and non-recurring expenditure involved in the proposal.

Yours faithfully,

for Surgeon-General with the
Government of Madras.

...

Recurring expenditure for a Tuberculosis Hospital of 25 beds in Mangalore District.

....

		Rs
a)	Maintenance of buildings.	1,000
b)	Replacing of condemned linen.	350
c)	Maintenance of equipment.	300
d)	Medicines and Hospital Necessaries.	2,256
e)	Diet of patients at Rs.1-8-0 per diem per patient.	13,688
f)	Other miscellaneous expenses, such as electric current water, etc.	720
g)	Staff:-	
	1) Civil Assistant Surgeon, Class I.. one at Rs.250/- per mensem.	3,000
	2) Civil Assistant Surgeon, Class II . one at Rs.125/- per mensem.	1,500
	3) Staff Nurses, 3 at Rs.426 P.M.	5,112
	4) Uniform allowances for 3 staff Nurses at Rs.75/- Per annum each.	225
	5) Steward, one at Rs.74/- P.M.	888
	6) X-Ray Attendant, one at Rs.45/- P.M.	540
	7) Compounder, one at Rs.56/- P.M	672
	8) Male Nursing Orderlies 2 at Rs.76 P.M.	912
	9) Female Nursing Orderly, 1 at Rs.38/- P.M.	456
	10) Peon,/at Rs.38/- P.M.	456
	11) Electrician one at Rs.51/- P.M.	612
	12) Cook, one at Rs.49/- P.M.	588
	13. Lascar, one at Rs.39/- P.M.	468
	14. Sweeper one at Rs.35/8/- P.M.	426
	15. Kitchen Cooly, one at Rs.35/8/ P.M.	426
	16. Gardener, one at Rs.39/- P.M.	468
	17. Dhoby one at Rs.43/- P.M.	516
	18. Toties, 3 at Rs.106/8/- P.M.	1,278
	Total	36,857

Non-Recurring Expenditure for a Tuberculosis Hospital of 25 Beds In Mangalore.

...

X-Ray apparatus with screening facilities.	30,000
Operation theatre equipment.	5,000
Medical stores.	5,000
Linen with reserve stock.	2,000
Laboratory equipment.	1,500
Ward equipment such as furniture etc.	2,500
...	
Total..	46,000

....

a.m.ll.3.

From H.M.Small Esq., O.B.E., M.A., LL.B.,
Government Solicitor,
Madras.

To The Joint Secretary to the Government of Madras,
Education & Public Health Dept.
Fort St.George, Madras.

1074

12th March 1949.

Sir,

Buildings - Medical institutions at Mangalore - Offer of the building "Lal Bagh".

19820

With reference to your Memorandum No.5697-D2.49.2.P.H. dated 9th instant I have called for some particulars in my letter No.1020 dated the 10th instant addressed by me to Mr.C.S.Krishnaswamy Naidu, with copy to you. As soon as the particulars have been furnished I shall prepare the draft of the Deed of Transfer and submit it to the Surgenon-General.

Yours faithfully,

Government Solicitor.

AKK/MRV

1075. Copy for infonation to The Surgeon-General with the Government of Madras, Cathedral Post, Madras.

Memo No. 5697 D2 | 49-3 AH dt. 21-3-49

Establishing a T.B. Hospital 'Lal Bagh'

From the S.G. Memo No. 92416-H1 dt. 11-3-49

The S.G. is requested to state whether once a T.B. Hospital is established in 'Lal Bagh' there will be any necessity for the continuance of the provision at the Headquarters Hospital, Mangalore for the treatment of T.B. patients and if not so whether the estimate of expenditure forwarded with the letter cited above should not be revised taking into account the saving which can be effected in this direction. He is also requested

To consider and report how the present proposal to open a T.B. hospital in Kal Bagh' stands in relation to the proposal to establish a T.B. Hospital at Hindisehti with the aid of the donation offered by the Provincial Welfare Fund which is being ~~treated~~ considered as a part of scheme for 1948-58

Dr

To

The SG.

copy to G1

19/3/49

15.3.49.

22219

Medical Department.

From

Dr.A.S. Mannadi Nayar, M. B. B. S. Ph. D. (EDIN).,
Surgeon-General with the Government of Madras, Madras.

To

Secretary to Government,
Education and Public Health Department, Madras.

SECRETARY TO GOVERNMENT
22 MAR 1949
EDUCATION AND PUBLIC HEALTH DEPT.

Ref.92416-M1 dated 17-3-49.

Sub:- Buildings - Medical Institutions at Mangalore - Offer of the building "Lal Bagh".

Ref:- Government Memo.No.5697 D2-49-2 P.H. dated 9-3-49.

..

With reference to the letter No.1074 dated 12-3-49 of the Government Solicitor, Madras addressed to Government and copy sent to this office, I have to state that the draft of the Deed of Transfer will be submitted to Government immediately after the ....

the receipt of the same from the Government Solicitor, Madras.

Yours faithfully,

for Surgeon-General with the
Government of Madras.

a.m.17.3.

RANGASWAMI IYENGAR,
ADVOCATE,
RESIDENCE: 146, HIGH ROAD.
PURASAWALKAM, MADRAS.

G.S. (P.H) No. 671 9K 9975b

OFFICE:
7, SUNKURAMA CHETTY ST.

23/3/49

Madras, 16th March 1947

We need not be concerned at this stage - Legal ing has commenced

To

The Surgeon General,
Cathedral Post,
Madras.

Re:- Gift -"Lal Bagh" Lalbagh Road, Mangalore.

Sir,

I have been instructed by my client Mr. C. S. Krishnaswami Naidu, of Mangalore, that he had proposed the gift of the aforesaid property to the Government for housing a Hospital and the Government have accepted with the said proposal.

There has been a boundary dispute by the neighbouring owner regarding the line of demarcation of the two properties i-e "Lal Bagh" and the adjacent property and On appeal in the Subordinate Judge's Court, of Mangalore had upheld the claim of Mr. C. S. Krishnaswami Naidu, Against this the opposite side has prefered a Second Appeal, to the High Court, being S.A. No. (22 of 1948, The said appeal is now ready for hearing and is likely to be posted on or after 1st April 1949. The dispute is only about a small strip of land forming the cutlying boundary on one side. I have been asked by my client to intimate this to you, so that if you consider necessary you may instruct the Government Solicitor to watch and take part in the proceedings. My client is nevertheless prosecuting the appeal himself and Mr. C.S. Venkatachariar, is appearing for him to defend against the appeal.

Yours faithfully,

R. Rangaswami

Copy to: Mr. A.B. Selty. Health Minister Madras
Copy to: Govt. Solicitor Madras
Copy to Mr. C.S. Krishnaswamy Naidu Mangalore

C. S. Krishnaswamy Naidu.
MEMBER.
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

23475

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

SECRETARIAT TO GOVERNMENT
24 MAR 1949
HOME (PUBLIC HEALTH) DEPT.

Dated, 22nd March 49.

H.M.Small Esq., O.B.E., M.A.LL.B.,
Government Solicitor,
High Court Buildings,
M A D R A S .

Dear Sir,

RE:- Your Letter No.1020 dated 10-3-1949.
Sub:- Buildings - Lal Bagh - Mangalore - Location of a Hospital

I thank you for your above letter. My son Coona Krishnaswamy Babu Naidu, would join with me in executing the proposed Gift Deed, since it stands on his name.

Herein enclosed please find a letter of authority received from my above son, as desired.

I have four sons as detailed below:-

1. C.K.Babu Naidu, aged about 27 years, married on whose name the title deeds of the above property stands. He has a son aged about 2 years.
2. C.K.Venkatram Naidu, aged about 20 years, unmarried.
3. C.K.Rajaram Naidu, aged about 17 years, unmarried.
4. C.K.Sunderaj Naidu, aged about 14 years, minor.

I am sorry, a few days have lapsed in sending you ~~a reply~~ this as I was on tour.

Yours faithfully,
(sd) C. S. Krishnaswamy

Copy to:- (1) The Surgeon General with the Government of Madras, Cathedra Post, Madras, for information.

(2) The Joint Secretary, Education and Public Health Department, Government of Madras, for information.

C. S. Krishnaswamy

Enclo:- 1.

C.K.BABU NAIDU,
S/of.
C. S. Krishnaswamy Naidu,
MEMBER:
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW DELHI &
NATIONAL PLANNING COMMITTEE.

Malabar Fisheries Company,
CHALIYAM, (Via Feroke.)

Dated, 22nd March, 1949

H.M.Small Esq.,O.B.E, M.A.LL.B.,
Government Solicitor,
High Court Buildings,
MADRAS.

Dear Sir,

RE: BUILDINGS - LAL BAGH - MANGALORE.

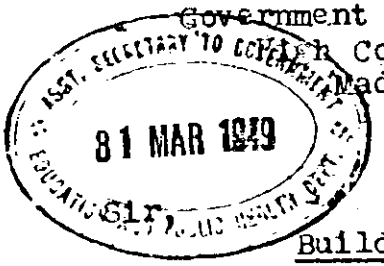
My father, Sri.C.S.Krishnaswamy Naidu, has full authority to dispose as he likes, the above Property known as "LAL Bagh", at Mangalore, whose title deeds stands on my name, since, he is the Head of our undivided family and out of his earnings the above Property was purchsed on my name. I have no objection to join with my father and execute the Gift Deed.

Yours faithfully,

C. Krishnaswamy Naidu

From H.M.Small Esq., M.A.,LL.B.,
Government Solicitor,
High Court House,
Madras.

To C. S. Krishnaswamy Naidu,
Malabar Fisheries Company,
Chaliyam,
Via Feroke.



1377 29th March 1949.

Sir,

Buildings - Lal Bagh - Mangalore - Location of a Hospital.

25125 I am in receipt of your letter dated the 22nd instant.

I note that your major son Mr.C.K.Babu Naidu will join in the conveyance. I gather however that you have another major son C.K.Venkatram Naidu aged about 20 years and two minor sons aged respectively 17 and 14 years. You also state that you are a member of an undivided joint Hindu family. In the circumstances it has become necessary for me to enquire about the following particulars and I shall be obliged if you will kindly furnish me same.

1. Will Mr.Venkatram Naidu join with you in executing the Deed of Gift ?

2. Was the property acquired by you from ancestral funds or was it acquired by you from your self-acquired property ?

3. If the property was acquired by you out of your self-acquired property I shall require some evidence to show either that you had no ancestral property or that you kept the self-acquired property separate from your ancestral property.

This investigation is necessary because it is not open to the manager of a joint Hindu family to make a gift of family property so as to bind

the shares of his minor sons therein. You have two minor sons. Hence my enquiry. On receiving the above particulars I will prepare and send you the draft Deed of Transfer for your approval.

Yours faithfully,

H. M. Ouseley

AKK/MRV

Government Solicitor.

1378 Copies for information to:

1. The Surgeon-General with the Government of Madras, Madras.

1379 2. The Joint Secretary to the Government of Madras, Education & Public Health Department, Fort St. George, Madras.

Edn. H (3)

The main file is in Legal dept.

return may be awaited.

2

2.4.47

2.4.47

C. S. Krishnaswamy Naidu.
MEMBER.
FISH COMMITTEE I C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 4th April 1949

- APR 1949

H.M.Small Esq., O.B.E.,M.A.LL.B.,
Government Solicitor,
High Court Buildings,
MADRAS.

Dear Sir,

Ref:- Your Letter No.1377 dated 29-3-1949. — 145 and
Sub:- Buildings- Lal Bagh- Bangalore - Location of a Hospital.

2765

I thank you for your above letter.

The following are the particulars as desired by you:-

1. I do not know whether my second major son C.K.Venkatram Naidu would join me in executing the deed of gift. I think that it is not necessary to include him and if he is insisted, I am afraid, he may think that he has some interest in the above property. K

2. The gift property is my self acquired property for which my whole family members would give evidence.

3. I got a sum of Rs.3500/- in about the year 1931 as my share from the ancestral property which amount I had spent immediately for charitable purposes, such as, feeding the poor etc., and for this there is no record with me but my family members would give evidence if necessary.

Yours faithfully,

(Sd) C.S. Krishnaswamy Naidu.

Copy to:- (1) The Surgeon General with the Government of Madras, Cathedral Post, Madras, for information.

(2) The Joint Secretary, Education and Public Health Department, Government of Madras, for information.

From, H.M.Small Esq., M.A.,B.L., Government Solicitor, High Court House, Madras.

To J. S. Krishnaswamy Naidu, Esq., Malabar Fisheries Company, Chaliyam, Via Feroke.

ASST. SECRETARY TO GOVERNMENT
6 - APR 1949
EDUCATION AND PUBLIC HEALTH DEPT.

1454. 5th April 1949.

Sir,

Buildings - Lal Bagh -Mangalore - Location of a hospital.

I have received from Mr.R.Rangaswami Iyengar a copy of his letter dated the 16th ultimo to the Surgeon-General with the Government of Madras, Madras. I gather therefrom that part of the land comprised in in Lal Bagh is affected by the pending appeal. In this connection I refer you to your letter dated the 2nd ultimo in which you state as follows:-

"Of course, I set aside the disputed land and constructed a boundary wall on my survey line on the eastern side. From this you can understand that there is absolutely nothing affecting the property".

This statement requires explanation in view of Mr.Rangaswami Iyengar's letter. I shall be obliged if you will kindly elucidate the position to me.

Yours faithfully,

H.M.Small

Government Solicitor.

AKF/MRV

1455 Copies for information to The Surgeon-General with the Government Madras, Madras,

1456. The Joint Secretary to the Government of Madras, Education & Public

Health Department, Fort St.George, Madras.

From H.M.Small Esq., B.A.,LL.B.,
Government Solicitor,
High Court House,
Madras..

To C. L. Krishnaswamy Naidu Esq.,
Malabar Fisheries Company,
Chaliyam,
Via Feroke.

1534. 7th April 1949.

Sir,

Buildings - Lal Bagh - Mangalore - Location of a Hospital.

27655 I am in receipt of your letter dated the 4th instant.

With reference to paragraph 3 I shall be glad to know whether any deed of partition was executed between yourself and the other members of the family. If so, please send a copy of the same to me for my perusal.

Yours faithfully,

H.M. Small

Government Solicitor.

AKK/MRV

Copies for information to:

1535. The Surgeon General with the Government of Madras, Cathedral Post, Madras,

1536. The Joint Secretary, Education and Public Health Department, Government of Madras, Fort St.George, Madras.

Krishnaswamy Naidu,
MEMBER:
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW DELHI &
NATIONAL PLANNING COMMITTEE.

Malabar Fisheries Company,
CHALIYAM, (Via Feroke.)

Dated. 11th April, 1949.

H.M.Small Esq., M.A.,LL.B.,
Government Solicitor,
High Court House,
MADRAS.

Dear Sir,

Sub:- Buildings - Lal Bagh - Mangalore -
Location of a Hospital.
Ref:- Your Letter No.1534 dated 7-4-1949.

28594

I thank you for your above letter.

I am instructing my representative at Madras to apply for the copies of partition deed etc., and as soon as the same is secured, I shall arrange to send you the same.

Youre faithfully,

S.d. C.S. Krishnaswamy Naidu.

Copy to:-(1) The Surgeon General with the Governmen of Madras, Cathedral Post, Madras, for information.

(2) The Joint Secretary, Education and Public Health Department, Government of Madras, for information.

Memo No: S 697 D2/49-SP.H.d. 4-5-49 SP.H (D2)

Grant of "Lal Bagh"

The Govt. Solicitor is requested to forward to Govt. a copy of the letter which Sri. C.S. Krishnaswami Naidu sends in reply to his letter No. M: 1454 d. 5-4-49. When may be 4/5/49. treating as urgent

h/49 of 5/5

To

The Govt. Solicitor.

3.5.49

Copy to the D.S.

Letter No. S697 D2/19-6 P.Hd. 10-5-19 to Dy. H(D)

The Govt. Solicitor
High court, Madras.

Sir,

Sub: Gift of Lal Bagh
Hangalore

I am directed to refer to my letter No. 73345 D3/18-6 P.Hd. 25-1-19 and to enquire what delays the completion of the transfer deed and how soon the Govt. may expect it to be in their hands.

Yours faithfully,

Memo No. 5697 D2/19-3P.H d. 10-5-19 to HH(D)

Re establishing a T.B. Hospital in Lal Bagh.

With reference to the discussions which he had recently with the HH (Edn) on the above subject, the Hon is requested to consider the points raised in Govt. Memo No. 5697 D2/19-3P.H d. 21-3-19 and forward a report to the Govt. urgently.

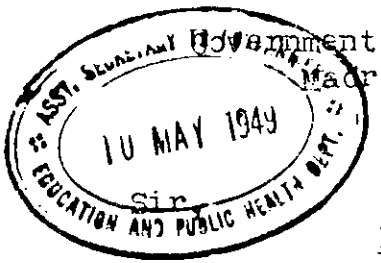
To the Hon.

7.5.19.

7.5.19.

From H.M.Small Esq., M.A.,
LL.B.,
Government Solicitor,
Madras.

To The Joint Secretary to Government,
Education & Public Health Department,
Fort St.George, Madras.



1876. 7th May 1949.

Sir

Buildings - Lal Bagh - Mangalore - Location of a hospital.

35688

With reference to your Memorandum No.5697.D2.49.5 P.H. dated 4th instant I have not received any reply from Sri C.S.Krishnaswami Naidu in answer to my letter to him No.1454 of the 5th ultimo and as and when the reply is received by me I will send you a copy thereof for your information and file.

Yours faithfully,

H.M.Small

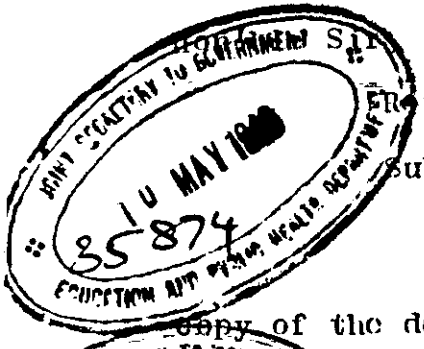
Government Solicitor.

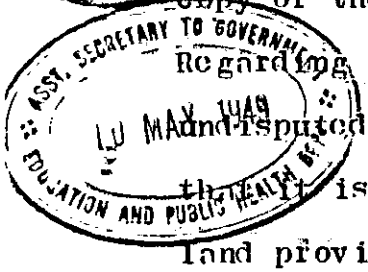
MRV

J-S(P.H.)
Let this matter please be expedited
9/5

D. No.92416-M-1/48

Office of the Surgeon-General with the Government of Madras, Madras, 6th May 1949





Reference:-Government Memo No.56702/49-3 P.H. dated 21st March 1949

Subject:- Buildings - Lal Bagh - Location of Hospital.

The Government Solicitor has replied that the copy of the deed of partition has not yet been received.

Regarding the question raised about the acquiring the undisputed land, the Government Solicitor is of opinion that it is possible to accept a gift of the undisputed land provided the same can be definitely ascertained and demarcated. I am writing to the District Medical Officer Mangalore to see whether this is possible.

Regarding the alteration proposed as a hospital instead of T.B. clinic with 25 beds, the District Medical Officer states that a meeting of the Hospital Advisory Committee has been called for to discuss the subject and the proceedings of the Committee will be sent shortly.

Yours sincerely,

To

The Hon'ble Sri A.B.Shetty M.L.A.
Minister for Education and Public Health

Office of the Surgeon-General
with the Government of Madras,
Madras, 6th May 1949

O.No.92416-M-1/48

Dear Dr.Nambiar,

Reference:-Your letter No.300/49 dated 21-4-49

Subject:-Buildings -Lal Bagh -

Regarding Lal Bagh the question has been raised whether it is possible to accept the gift of undisputed land as it is found that a portion of the land is disputed. The Government Solicitor has informed me that it is possible to accept the gift of the undisputed land provided the same can be definitely ascertained and demarcated. Please let me know whether this can be done.

Yours sincerely,

S. Mahmud Nazar

To

Dr.A.Gopala Nambiar M.R.C.S.(Eng),L.R.C.P.(Lond).
District Medical Officer, South Kanara,
Mangalore.

Copy to Hon'ble Minister (P&T)
for information

From

Dr.A.S.Mannadi Nayar M.B.B.S.,Ph.D.(Lond)
Surgeon-General with the Government of Madras,Madras.

To The Joint Secretary to Government
Education and Public Health Department.
Ref.No.92416-M-1 dated 12th May 1949.

Sir,

Reference:-Govt.Memo No.5697-D-2-49-7 P.H. dated 10-5-49

36686

Subject:- Buildings - Lal Bagh - Establishing a Tuberculosis Hospital -

The Hon'ble ~~the~~ Minister for Public Health and Education has asked me to see what further uses can "Lal Bagh" be put to besides using it as a Tuberculosis clinic. This question is being examined and the District Medical Officer, South Kanara has been asked to send his opinion on the subject.

2. The Advisory Committee of the Govt. Head Quarters Hospital, Mangalore which was consulted by the District Medical Officer, has passed the following resolution:-

"The Committee felt that their original proposal regarding the use of Lal Bagh as Tuberculosis Clinic and Hospital was the best under the present circumstances. The position could be

could be reviewed after the Tuberculosis Sanatorium at Moodshedde gets into full working order."

If a Tuberculosis Hospital is established at Lal Bagh there is no necessity of having a Tuberculosis clinic in the Government Headquarters Hospital, Mangalore.

3. The District Medical Officer, South Kanara is being asked whether the estimate of expenditure given should not be revised taking into account the saving which can be affected by the abolition of Tuberculosis section in the Government Headquarters Hospital. According to the Advisory Committee the use of Lal Bagh for some other clinic than tuberculosis should be taken up only after a Tuberculosis Hospital at Moodshedde had been in full working order.

Yours faithfully,

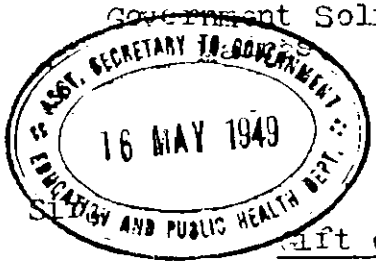
T.S. Sanna & Nayar

Surgeon-General with the Government of Madras.

145

From H.M.Small Esq., M.A.,LL.B.,
Government Solicitor,

To The Joint Secretary to the Government of Madras,
Education & Public Health Department,
Fort St.George, Madras.



1946.

13th May 1949.

Sir,

Gift of "Lal Bagh" in Mangalore.

37269 With reference to your Memorandum No.5697.D2.49.6P.H. of the 10th instant I have to state that as a result of the enquiries made by me it was discovered that the owner of the property is not C.S.Krishnaswami Naidu but his son Mr.C.Krishnaswamy Babu Naidu. In my letter dated the 10th March 1949 I informed Mr.Krishnaswamy Naidu that the Deed of Gift should be executed by Mr. Babu Naidu. I also enquired whether he had any sons, major or minor. In reply he stated that he had besides C.K.Babu Naidu a major son Venkatram Naidu aged 20 years and two minor sons Rajaram Naidu and Sundaraj Naidu aged 17 and 14 years. On the 29th March 1949 I requested Mr.Krishnaswamy Naidu to advise me whether his major son Mr.Venkatram Naidu would join with him in executing the Deed of Gift and also enquired whether the property was acquired from his ancestral funds or from his self-acquired property. In his reply dated the 4th April 1949 he informed me that it was doubtful whether his major son Venkatram Naidu would join in executing the Deed of Gift. He considered that it was unnecessary as the property was self-acquired property. I thereupon requested him to produce the Deed of Partition said to have been entered into between the members of the family. This was on the 7th of April 1949. On the 11th ultimo he stated that he was instructing his representative in Madras to apply for a copy of the partition deed and that he would send me the same as soon as it was received. I have not yet received the copy of the partition deed. During the course of my investigation it was further discovered that part of the property

forming the subject matter of the gift is subject to litigation now pending in the High Court. At one stage Mr.Krishnaswamy Naidu informed me that the litigation did not refer to any part of the property. This apparently is inaccurate. On the 11th ultimo the Surgeon-General asked me for my opinion whether there is any objection to take a gift of that portion of the property which is not in dispute and on the 22nd idem I expressed my opinion that there is no objection to accepting a gift of the undisputed property. The matter rests there. You will gather from the foregoing that until the particulars called for have been furnished and a decision is come to as to the acceptance of the undisputed portion of the property no further progress can be made. I also find from the file that copies of recent correspondence have been sent to you for your information.

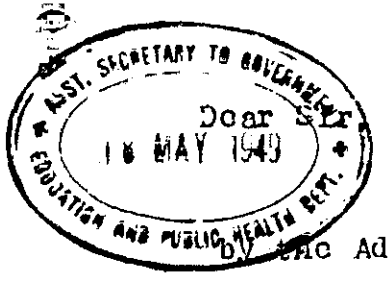
Yours faithfully,

AKK/MRV

Government Solicitor.

D.O.No. 92416-MI,

Office of the Surgeon-General with the Government of Madras, Madras, 17th May 1949



Dear Sir

I forward herewith the resolution passed by the Advisory Committee of the Government Headqyarters Hospital, Mangalore. The District Medical Officer agrees with the resolution.

37979

Resolution. The Committee felt that their original proposal regarding the use of Lal Bagh as T.B. clinic and hospital was the best under present circumstances. The position could be reviewed after the T.B.Sanatorium at Moodshoddo gets into full working order.

However, as alternative proposals have been called for they would suggest shifting of all chronics and invalids from both Wenlock and Lady Goschen Hospitals to Lal Bagh, so as to relieve the congestion in the two hospitals.

Yours sincerely,

A.S. Hannah Major

To

The Hon'ble Sri A.B.Shetty M.L.A.
Minister for Education and Public Health
Fort St. George.

Copy to the Joint Secretary to Government, Education and Public Health Department, Fort St. George.

C. S. Krishnaswamy Naidu.
MEMBER.
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 12th May, 1949

ASST. SECRETARY TO GOVERNMENT
14 MAY 1949
EDUCATION AND PUBLIC HEALTH DEPT.

H.M.Small Esq.,M.A.L.L.B.,
Government Solicitor,
High Court House,
MADRAS.

Dear Sir,

Sub:- Buildings - Lal Bagh - Mangalore - Location of a Hospital
Ref:- Your Letter No.1534 dated 7-5-1949.

38329

In continuation of my letter dated 11th April, 1949, I send you herewith three certified copies of documents as detailed below for your perusal and final orders at an early date:-

1. Partition deed dated 18th December, 1923, between my brothers as Document No.2010 of 1923.

2. Mortgage deed by Mr.C.S.Parthasarathi Naidu, in my favour of myself dated 18-12-1923, as Document No.2011 of 1923.

3. Release deed by me in favour of my last brother Mr.C.S. Balram Naidu dated 25th July, 1934, as documentm No.2030 of 1934.

Kindly acknowledge the receipt of the above documents.

Yours faithfully,
(Sd) C.S. Krishnaswamy Naidu

Enclo:- 3 .

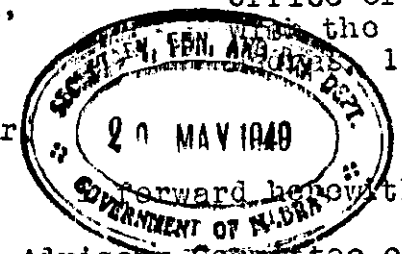
Copy to:- The Surgeon General with the Government of Madras, Cathedral Post, Madras, for information.

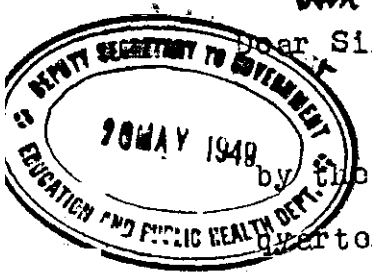
(2) The Joint Secretary, Education and Public Health Department, Government of Madras, for information.

Secy: H & P.H.
19/5/49

D.T.No. 92416-MI,

Office of the Surgeon-General
to the Government of Madras,
17th May 1949





Dear Sir

I forward herewith the resolution passed by the Advisory Committee of the Government Headquarters Hospital, Mangalore. The District Medical Officer agrees with the resolution.

38921 Resolution. The Committee felt that their original proposal regarding the use of Lal Bagh as T.B. clinic and hospital was the best under present circumstances. The position could be reviewed after the T.B.Sanatorium at Moodsheddo gets into full working order.

However, as alternative proposals have been called for they would suggest shifting of all chronics and invalids from both Wenlock and Lady Goschen Hospitals to Lal Bagh, so as to relieve the congestion in the two hospitals.

Yours sincerely,

To

The Hon'ble Sri A.B.Shetty M.L.A.
Minister for Education and Public Health
Fort St. George.

Copy to the Joint Secretary to Government, Education and Public Health, Department, Fort.St.George.

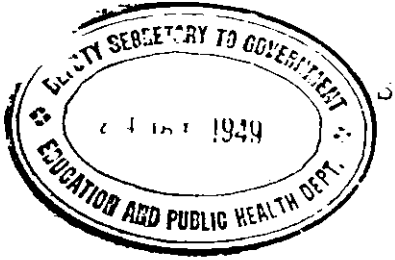
Medical Department.

From

Dr. A.S. Mannadi Nayar, M.B.B.S., Ph. D(Edin.)
Surgeon-General with the Govt. of Madras, Madras-8.

To

The Joint Secretary to Government,
Education & Public Health Department, Madras.



Ref.No.92416-M.I. Dated 23-5-49.

Sir,

Sub: Buildings - Lal Bagh - Establishing a Tuberculosis Hospital.

Ref: Govt. Memo.No.5697-D2/49-3 P.H. dated 21-3-49 and this office letter No.92416-M1 dated 17-5-49.

39567

The bed strength of the Government Headquarters Hospital Mangalore is 116 at present and out of this number 14 beds are allotted for Tuberculosis Patients in a separate ward which forms part of the whole hospital. No sooner these Tuberculosis patients are shifted to "Lal Bagh", other patients not suffering from Tuberculosis would be accommodated in this ward to relieve the existing congestion in the hospital and hence there will not be any retrenchment in the staff. There may be samll savings under Diet and

Hospital...

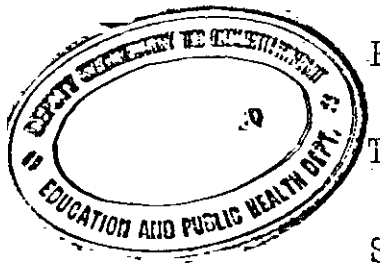
Hospital Necessaries due to the extra cost of special diets and medicines for Tuberculosis patients, but the District Medical Officer, South Kanara considers this sum to be negligible as it would be utilised for other patients who occupy the ward. The estimate of expenditure forwarded with this office letter No.92116-M.1. dated 11-3-49 will not therefore require revision.

Yours faithfully,

for Surgeon-General with the
Govt. of Madras.

kvr 23-5.

Ref.92416-M/48 Office of the Surgeon-General with the Government of Madras, Madras 6 Dated 30-5-49.



From

Dr.A-S.Mannadi Nayar, MBBS., Ph.D (Edin).,
Surgeon-General with the Govt.of Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

Sir,

Sub: Buildings-"Lal Bagh" Mangalore-Demarcation of undisputed land.

Ref: Correspondence ending with this office letter Ref.No.92416-M 1 dated 23-5-49.

41484

The Collector of South ~~Xxxxx~~ Kanara has since reported that the site can be separately sub-divided and demarcated -vide copy of his D.O Ref.C.No.B4-12000/49 dated 24-5-49 enclosed herewith. I request you to kindly let me know whether the Collector can be addressed to subdivide and demarcate the site of Sri C.G.Krishnaswami Naidu from the portion of the Survey field belonging to Mr.Fernandez and others before the gift deed is executed. Very early orders of Government are requested.

Yours faithfully,

A-S. Mannadi Nayar

Surgeon-General with the Govt.of Madras.

RS.30.5

*copy of D.O.

Ref: Your D.O.Doc.No.300-49 dated 10-5-49.

Sub: Land and Buildings-Mangalore Town-Lal Bagh-Gift by Sri C.S.Krishnaswami Naidu-Further information requested.

---

pto

I do not know that a portionof the site gifted by Sri C.S.Krishnaswami Naidu was disputed by any body else claiming it. If any body has presented any such claim to any portion of it, I request that details of such claims may be furnished to me. If on the other hand what you wanted was to have the site of Sri C.S.Krishnaswami separately subdivided and demarcated from the portion of Survey field belonging to Mr.Alfred A.J.Fernandez and others, please let me know so that I can take steps to have it separately subdivided . You may see in this connection the D.O sent by N.C.Thomas, my predecessor, In D.Dis No. 2861-49 dated 15-2-49 to the Surgeon-General a copy of which was sent to you.

/True copy/

Surgeon-General with the Govt. of Madras.

RS.30.5

Edn. & P.H. (D2)

Memo No. 5697 D2/49 P.H dt. 27-6-49

Buildings - Mangalore - Gift of 'Lal Bagh'

Ref:- From the Govt. Solicitor, No. 1946 dated 13.5.49.

From the S.G. No. 92416-M/48, dated 30.5.49.

The attention of the Govt. Solicitor is invited to the letter of Sri C.S. Krishnasami Naidu dated 12.5.49 (Copy forwarded to Govt) with which the documents required to prove the competency of Sri C.S.K. Naidu to execute the deed of gift have been furnished, and he is requested to state when the transfer deed will be completed and forwarded to Govt. through the S.G.

2. The S.G. is informed that he may take action for subdividing and demarcating the site of

Sri C.S.K. Naidu from the portion of the survey field belonging to Mr. Fernandez and others. He is also requested to state when his final report regarding the use to which the property 'Lal Bagh' can be put will be submitted to Govt.

2749

To

The Govt. Solicitor
(para 1 only)

The S.G.

From H.M.Small Esq., M.A., L.B.,
Government Solicitor,
Madras.

To The Joint Secretary to the
Government of Madras,
Education & Public Health Department,
Fort St.George,Madras.

2314. 28th June 1949.

Sir,

re Gift of "Lal Bagh", Mangalore.

49809 With reference to correspondence ending with my letter No.1946 dated the 13th May 1949 I have to advise that I have now received from Mr.C.S.Krishnaswamy Naidu the Deed of Partition dated 18th December 1923 executed between himself and his three brothers.

Under the Deed of Partition Mr. Krishnaswamy Naidu obtained a sum of Rs.4500 as his share in the property. From previous correspondence I understand that Mr. Krishnaswamy Naidu has got four sons, viz.,C.K. Baboo Naidu aged 27 years, C.K.Venkatram aged 20 years, C.K.Rajaram aged 17 years and C.K.Sunderraj aged 14 years and C.K.Baboo Naidu has a minor son. The above property was purchased by Mr. C.S.Krishnaswamy Naidu in the name of his son C.K.Baboo Naidu. For all practical purposes therefore this property must be considered as joint family property. I understand that C.K.Baboo Naidu is willing to execute the Deed of Gift in favour of Government. C.K.Venkatram Naidu may not be willing to join in and obviously no necessity for the transaction can be made out so as to bind the shares of Rajaram and Sunderraj. In the circumstances it is clear that the Deed of Gift will be good only to the extent of a 2/5ths.share in the property and if Government accepts the same it runs the risk of the transaction being repudiated by persons entitled to 3/5ths.shares of the property.

There also remains the question of the boundary dispute with the

adjoining owner to which I have referred in previous correspondence.

I now await the orders of Government in the matter.

Yours faithfully,

K. M. Ismail

Government Solicitor.

AKK/MRV

Copy for information to the Surgeon General with the Government of Madras, Madras.

8th July 1949.

From

Rao Saheb P.R. Ranganatha Punja, B.A.,B.L.,
Advocate and Vice President,
Health and Welfare Association,
Mangalore Branch, Mangalore.

To

52312

J.M. Lobo-Prabhu Esq., I.C.S.,
Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

Dear Sir,

1. With reference to the conversation we had about the gift of property, known as Lal Bagh, by Sri C.S. Krishnaswamy Naidu to Government for the location of a hospital in memory of his deceased son, C.K. Sunderraj, a boy aged fourteen years, I would like to inform you about my view of the matter, as the sponsor of the gift.

2. I understand from you that the Government Solicitor has pointed out certain legal difficulties in accepting the gift. I wish to point out that on a proper scrutiny of the facts, the objections raised by the Government Solicitor will not stand. It is pointed out that Sri C.S. Krishnaswamy Naidu obtained under the partition deed dated 18/12/1923 a sum of Rs.4,500/- and that he has purchased the gifted property, Lal Bagh aforesaid, in the name of his eldest son C.K. Baboo Naidu, aged 27 years, and the latter is also willing to join in the gift deed to be executed by his father. Sri C.S. Krishnaswamy Naidu is a self-made man and is now possessed of property worth many lacs, which he has acquired in business and which he told me is entirely his own. The vast properties which he now owns as well as the factory at Chellam near Feroke as well as other business are his own separate self-acquisitions. A statement to this effect may be taken from him if necessary. He purchased the Lal Bagh property only a few years ago for over fifty thousand rupees and he told me that he has constructed a laterite boundary wall at a cost of several thousands out of his own funds. By no stretch of imagination could it be said that all these properties came out of Rs.4,500/- which Sri C.S. Krishnaswami Naidu obtained at aforesaid family partition in 1923. The more

recent rulings of our own High Court will support such a proposition. Where the nucleus of family property is too small to be even presumed to have yielded the vast properties, there need not be any apprehension that the gifted property will afterwards be claimed by the sons of the donor as family property. Anyhow there is the outstanding fact, that the eldest son Babu Naidu, in whose sole name the gifted property stands is ready and willing to execute the gift deed in favour of Government along with his father and that by itself appears to be sufficient.

3. Only one fact remains, viz. the dispute about the boundary wall. It is quite an insignificant matter. I think it was first tried in the District Munsif's Court and then by the District Judge in appeal and perhaps it is now pending in the High Court. Any details regarding this matter may be obtained from Mr. Naidu himself. If the Government refers the matter to the District Collector, he could ascertain what is really at stake in the suit. I learn it is a very small matter.

4. I would, however, invite your kind attention to one fact in this connection. Mr. Carlson as Secretary of the Welfare Association had written to the Surgeon-General that a Women & Children Hospital may be located in this building after the gift deed is executed in favour of Government. I learn that there is a suggestion from some quarters that a Tuberculosis clinic or a hospital for incurable diseases should be located here. I write to point out that a very valuable building costing over a lac of rupees has been constructed near the gifted property by the Bunt alias Nadavar Sangha, of which the foundation stone was laid by Sri V.N. Kudva, C.I.E., I.C.S. It is a hostel for girls of the agricultural community and built to afford facilities for their education. There is only a public road between the two plots and the rumour set afloat about the location of the T.B. clinic has created a scare among them. The Maha Sabha of the Sangha has brought this fact to the notice of Government by a resolution passed in April, 1949, when the building was opened. There was widespread opposition to the alienation of the land to Government. In these circum-

circumstances, I would request you to bring these facts to the notice of the Surgeon-General and request him not to do anything that would harm the interests of the education of girls.

Yours faithfully,

M Murugesa Pillai

D
DP.H(D2)

Memo No. S697 D2/49 - DP.H d. 11-7-49

Dept of Labour

From the Govt. Solicitor No. 2314 d. 28-6-49. p8 3 and

A copy of a letter from Sri. P. R. Ranganatha Punja, Advocate and Vice President Health and Welfare Assn. Mangalore Branch, Mangalore d. 8-7-49 is forwarded to the Govt. Solicitor; he is requested to examine immediately the point mentioned in paragraphs 1 and 2 of the letter and send a report to the Govt. without delay.

p8 5 and.

11/7

11/7/49.

To

The Govt. Solicitor
with copy of letter from
p6 3 only)

Note The main file was sent to Legal on 8/7/49 and has not yet been rtd. Pending the return of the file the draft memo. above is for consideration. As regards the point raised in para 4 of the letter, the S.S. may if necessary, be addressed after the main file is received back from Legal.

p5 dt. 11-7-49

11/7/49

11/7/49

circumstances, I would request you to bring these facts to the notice of the Surgeon-General and request him not to do anything that would harm the interests of the education of girls.

Yours faithfully,

J. Mangeshkar Thergaonkar

No. L-1151

Letter No.
Ref

Copy to the Govt. Solicitor
Copy to the SG

To

Sri. C. S. Krishnaswami Naidu
Malabar Fisheries Co.
Chaliyam
(Via) Feroke (with encl.)

Sir,

Sub: Grant of Land Bagh

I am to forward for your information a copy of letter No. 2314 dated 28-6-29 from the Govt. Solicitor Madras and to request that in the circumstances stated by the Govt. Solicitor, you may kindly get the consent of your sons in favour of the offer and let the Govt. know.

Copy to the SG

Yours faithfully

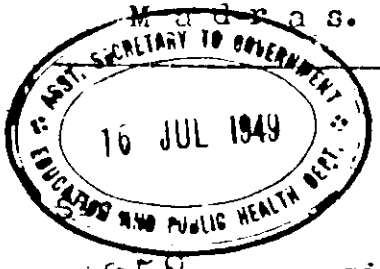
for Secy.

From

H. M. Small Esq., M.A.,
LL. B.,
Government Solicitor,
M a d r a s.

To CONFIDENTIAL & URGENT.

The Secretary to the Government
of Madras,
Education & Public Health Department,
M a d r a s.



54358

No. 2557 Dated 15th July 1949.

Gift of "Lal Bagh", Mangalore- Your Memorandum No.5697.D2.49.11P.H. dated 11th instant.

I now understand from the enclosure to your above memorandum that the members of the family concerned are the donor, his eldest son, the eldest son's minor son and two other sons C.K. Venkatram Naidu aged 20 and C.K. Rajaram Naidu aged 17. In the circumstances of the case the risk of possible litigation in the future is certainly reduced (but not excluded) by the fact that the donor acquired his present fortune by his own unaided efforts, and by excluding the strip of land which is at present under litigation on one of the boundaries.

2 If Government is prepared to face the risk of litigation (as to 1/5th of the property to be gifted that risk will last for another 19 years, the minor being aged 2 years only at present) then on receiving an authoritative sketch plan the boundaries of the plot, excluding the strip under litigation, I can prepare the deed of gift in short time.

3 Please also ascertain from the Collector and advise me the value of the gift for registration purposes.

P.T.O.

Yours faithfully

H. M. Oswald

HMS:VA.

Government Solicitor.

C. S. Krishnaswamy Naidu.
MEMBER,
FISH COMMITTEE I. C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 25th July'49.

The Joint Secretary,
Education and Public Health Department,
Government of Madras,
FORT ST. GEORGE, MADRAS.

ASST. SECRETARY TO GOVERNMENT
21 JUL 1949
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

RE: Medical Relief - Location of Hospital - Gift of "LALBAGH", MANGALORE.

I understand from the Honourable Minister, Sri.A.B.Shetty, that I have only 2/5th share in the above property and for the remaining 3/5th share, he requires the consent of persons who are entitled to it, whom I presume, must be my children. I am sorry that it is not possible for me to obtain their consent and further two of my boys are minors.

I thought that I was competent enough to make a gift of the above property and hence, I had offered the same. If you think that it would not be possible for the Government to accept the gift offered and executed by me and my eldest son Sri.C.K.Babu Naidu, on whose name the title deeds of the above property stands, I think that I will have no other alternative than to withdraw my gift offer made and request you to drop the matter and instruct the parties concerned to return me the title deeds.

Yours faithfully,

Copy to:- 1. The Government Solicitor, Madras,

2. The Surgeon General, with the Government of Madras, Cathedral Post, Madras.

3. The Honourable Minister, Sri.A.B.Shetty, Minister of Agriculture, Fort St. George, Madras.

Edp.H (D2)
The main file was sent to Legal and Fin. on 20/5/49. Its return may be awaited.
21/7/49

No 1-92 and

Rama Bhavan
Coorg Hall
8.7.49

Dr

I think we have sent the
Can it be so?
10/8.

ASST. SECRETARY TO GOVT. OF INDIA
EDUCATION DEPARTMENT
5 AUG 1949
59612
PUBLIC HEALTH

JOINT SECRETARY TO GOVT. OF INDIA
EDUCATION DEPARTMENT
2 AUG 1949
PUBLIC HEALTH

Dear Sir,

I am enclosing herewith a letter which we have not addressed to you by name as I do not know whether you are in charge of Mrs. Lobo Prabhu, to whom I had addressed my previous letter dated 8.7.49 on the subject of the gift of a plot of land of 7 acres and a valuable upstairs bungalow. The Govt. has accepted the valuation of three lacs on the property.

I am really sorry that the Govt. Solicitor did not apply his mind to the points arising in this case probably because it was a gift. I hope you will pay your personal attention to this matter and see that such a valuable gift is not thrown away. The Govt. wanted to acquire the property, which is one of the best sites in Mangalore and overlooks a huge maidan & from the upstairs of the building one can get a view of the Sea.

It is a coveted place as any one coming from Mangalore would tell you. The present owner, Barrister Fernandes was a client of Mr. Kalmadi Lakshminarayana Rao, and had even mortgaged it to him. You can ask one of his relatives about that property to know its value.

I was returning from Madras and Mr. Krishnaswamy Naidu was in the same compartment. We came to know each other only then. He was in one of those benevolent moods and made the offer to me to get the property for a good purpose in memory of a deceased son of his. I asked him to come to his people & come to me some days later. which he did. I took him to Mr. Rainer & gave a written proposal. It has been made to hang on so long & now the Govt. Solicitor has raised some unnecessary problems. You know many lawyer friends whom you could consult. I know you are a person who usually takes such interest in discharging your duty & so I have ventured to suggest such a course to you.

Kindly excuse trouble I am giving you in the interests of a charitable cause.

With best regards to you & Mrs Rani

Yours sincerely

P. S. If Mr. Lakshminarayana is in charge kindly keep an eye on the letter to him.

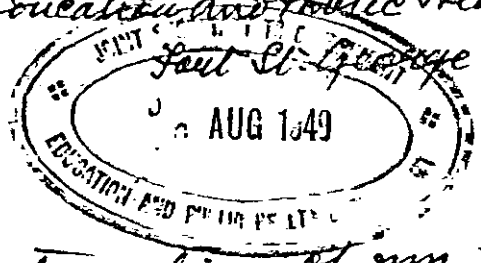
From

Rao Saheb
P. R. RANGANATHA PUNJA
Vice-President, Health and
Welfare Associations, Mangalore

To

"Rama Bhavan"
CODIALBAIL, MANGALORE
2nd August 1949.

The Joint Secretary,
Education and Public Health Dept:
Fort St. George, Madras



Dear Sir

In continuation of my letter dated 8th July 1949 to you, I wish to inform you that Mr. H. H. Small, Govt: Solicitor wrote to me to give him the recent rulings of the Madras High Court which I had in mind, about which I have written in my above quoted letter to you. His letter was dated 15-7-49 and I have replied to him on 18-7-49 quoting the rulings.

I have not heard from him afterwards but I believe he is satisfied that Mr. Krishnaswamy Naidu's gift of Kal Bagh bungalow in Mangalore for a hospital to be opened by Govt: may be accepted if the gift deed is executed by him and his son Babu Naidu, without

asking for the consent of his other sons who are minors

I hear that Mr. Naidu has also written to you informing you that if the Govt. insist on getting the consent of his remaining three sons he has no option except to withdraw the gift. In view of the cases quoted by me, it seems, unnecessary to insist on any such condition.

For your information I am quoting the rulings which are as follows:-

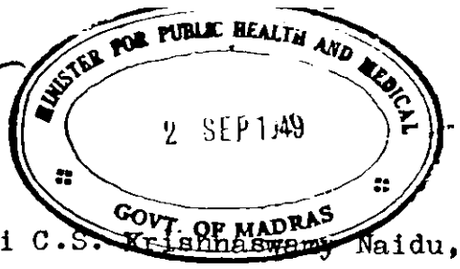
If Nucleus Insufficient then subsequently acquired property is self-acquisition. I.L.R. 1938 Mad. 696 and 1937 Bom. 308; 1937 M.W.N. 309; 1930 Mad. 662. See also The Hindu Gains of Learning Act XXX of 1930 Section 2 & 3. The presumption of law is also likewise Vide 35 Law Weekly 30; 1923 M.W.N. 57; (1937) 1 M.L.J. 364; (1944) 2 M.L.J. 384. Sons have no right by birth to father's self-acquired property Vide. 44 Mad. 499 over-ruling 32 Mad. 377. If sons aid the father in business or participate in father's self-acquisition, they do not acquire any right. Vide. A.I.R. 1936 Mad 185; 1945 A.L.J. 60; I.L.R. 50 Mad. 582.

I request you, therefore, to consult the Govt. Solicitor once again and get his opinion if the gift can be accepted.

Yours faithfully

H Mangamma Reddy

D2



URGENT. H.M.(P.H.)

Some time back Sri C.S. Krishnaswamy Naidu, offered to make a gift to Govt. of his land about 7 acres with a substantial building on it for the purpose of the District Headquarters Hospital at Mangalore. There was some legal difficulty in taking over the land and Sri P.R.R. Punja, Advocate. Mangalore, addressed a letter to the Govt. to the effect that ~~how~~ in spite of the objection raised this gift could be accepted. I would like to know whether this question is still pending consideration. H.Pr. intends going to Mangalore about the 17th October 1949. It would be an appropriate occasion for the Govt. to take over this land and building.

25/9/49
H.M.(Agri).

Addl. Sec
P. H
Put up the note
in time

M 26/9

Put up case answer if returns from legal I am afraid we are far from taking over the land and building.

HD 28/9

C. S. Krishnaswamy Naidu.
Ex: MEMBER,
FISH COMMITTEE I C. A. R.
GOVT. OF INDIA, NEW, DELHI &
NATIONAL PLANNING COMMITTEE.

MALABAR FISHERIES COMPANY
CHALIYAM, (Via Feroke.)

Dated, 29th Sept '49.

(REGISTERED POST ACKNOWLEDGEMENT DUE.)

75493

The Joint Secretary,
Education and Public Health Department,
Government of Madras,
FORT ST. GEORGE, MADRAS.

Sir,

ASST. SECRETARIAT GOVERNMENT OF MADRAS
3 - OCT 1949
EDUCATION AND PUBLIC HEALTH DEPT.

RE:- Medical Relief - Location of Hospital - Gift of "LALBAGH", MANGALORE.

I am very sorry that I have not been favoured with neither your acknowledgement nor a reply to my letter of the 25th July, 1949, and it is now over a year since I had offered the Gift of "LALBAGH", Mangalore, for the location of hospital and nothing has been materialised as yet.

I cannot wait any further and I hereby withdraw my above offer and request you to please instruct the authorities concerned to return me the documents of the above property immediately and oblige.

Thanking you.

Yours faithfully,

Copy to:- 1. The Collector of South Kanara District, Mangalore.

2. The Government Solicitor, Madras.

3. The Surgeon General with the Government of Madras, Madras.

Submitted for perusal the main file has been sent to Home/Legal.

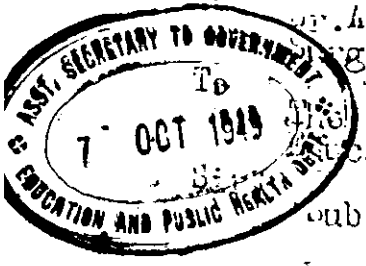
I was expecting this - He can now put the blame on Govt. if this is his object by this letter! Ag.

Reply in file

Ref.9241C-M/48 Office of the Surgeon-General with the Government of Madras, Madras 6, Dated 5-10-48.

From

Dr.A.S.Mohmedi Nayar, MBBS., Ph.D(Edin)., Surgeon-General with the Government of Madras.



To

The Secretary to Government, Education and Public Health Department, Madras.

Sir,

Sub: Buildings- Gift of "Lal Bagh" Lower portion of land belonging to Sri C.S.Krishnaswami Naidu.
Ref: Govt.Memo No.5697-D2 49-9 PH dated 27-6-49.

2698

I forward herewith copies of*D.O.Ref.No.1200-49-B4 dated 30-8-49 and letter dated 17-9-49 of the Collector of South Kanara addressed to the District Medical Officer, Mangalore in the matter for information of Government. Further report will be submitted shortly.

Yours faithfully,

for Surgeon-General with the Govt.of Madras

ns. 5.10

*Copy of D.O letter.

Land T.S.No.263 of 11 Ward known as "Lal Bagh Kodaikbail- donation to Government certain information
Ref: Your D.O.Rec.No.300-49 dated 5-8-49.

With reference to your D.O cited above, I am to inform you that the site in question has been demarcated with stones. But on scrutiny of the sub-division statement, it was found defective. Hence it is being returned to the Tahsildar, Mangalore for rectification and necessary action. I shall see that changes are carried out in the Revenue Records soon.

pto

Copy of letter from the Collector, South Kanara

It is seen from the records of enquiry that Joint holders M/s Alfred A.J.Fernandez (ii) Frank A.Fernandez and (iii) Rupert A.Fernandes do not dispute the right of Sri C.S.Krishnaswami Naidu over plot marked 263-1 of II ward. As already informed, in this office reference cited above, the site in question has been demarcated with stones and the Tahsildar Bangalore has been asked to carry out necessary changes in the xxxxxxx Revenue Records."

-2-

/True copies/

for Surgeon-General with the Govt. of Madras.

Edn. and P.H.(D2) Deptt.

BUILDINGS - Medical Institutions at Mangalore
Gift of Sri C.S.Krishnaswami Nayudu.

Memorandum No. 56972/D2/59-15 P.H.dated 3-11-59.

In 1948, Sri C.S.Krishnaswamy Naidu, offered as a gift to Government, his property at Mangalore known as 'Lal Bagh' comprising a two storyed building with out-houses and 7 acres of land for housing a hospital subject to the condition that if the property ceased to be used for hospital purposes, it should be returned to him immediately. In G.O.Ms.No.209 P.H. dated 24th Jany. 1949 the Government accepted the offer provisionally and asked the Govt. Solicitor to prepare a draft transfer deed.

2. When with the object of preparing a transfer deed, the Government Solicitor began studying the records relating to the property, it transpired that a strip of land forming part of the property was the subject of litigation in the High Court and that the property as a whole was the joint family property of Sri C.S.Krishnaswamy Naidu and his four sons, the eldest of whom was in favour of the gift, the second was apparently not and the third and the fourth were minors and that if the Government accepted the transfer of the property they ran the risk of the transaction being repudiated by persons entitled to three-fifths share of the property. At this stage Sri P.R.R.Punja, a gentleman of Mangalore who sponsored the offer of Sri Krishnaswamy Naidu wrote to the Government that one of the sons, Sri C.S.K.Sundara Raj was no more that the property which was purchased in the name of Sri Krishnaswamy Naidu's eldest son was really the self-acquired property of Sri Krishnaswami Naidu and that the Government need not therefore have any difficulty in accepting this transfer. The Government Solicitor who was apprised of this position, however, consider(

that all the living sons of Sri Krishnaswamy Naidu, and the eldest's minor son aged 2, had an interest in the property and that if the Government accepted the transfer of the property (excluding of course the portion in dispute) they ran the risk, though not to the extent originally expected, of the transaction being repudiated by the minor grand-son of Sri Naidu (entitled to one-fifth share of the property) on his attaining the age of majority. The Government felt that they might take the risk and see that buildings were not put up on one-fifth part of the land and that if the minor after attaining the age of majority argued that he wanted a particular part and not the one left unbuilt, that argument might not carry much weight. They were advised in this connection that it was a question of fact whether the property proposed to be gifted was self-acquired and that if it were joint-family property the minor could repudiate the transaction on attaining majority to the extent of his share at that time. As regards the question whether the minor could require a particular part of the property to be allotted to him, they were advised that where such allotment was not possible or equitable or would result in substantial injustice, the Court might not decree the allotment of the share required by him, but that that was a matter for the Court to decide.

3. Meanwhile Sri Naidu wrote to the Govt. that if they could not accept the claim that the property was not joint-family property he would have no other alternative but to withdraw his offer. Proceeding to examine the matter closely it was noticed that the son of Sri C.S.Krishnaswamy Naidu who died was Kothandaraman, aged 16 and not Sundararaj aged 14 as mentioned by Sri P.R.R. Punja and that this incorrect statement had led the Government Solicitor to suppose that Sri C.S.K.Naidu had only three living sons who had an interest in the property. Should the property be considered as a joint-family property

property as the Government Solicitor inclined to, the following persons would appear to have an interest in it:

Sri C.S.Krishnaswamy Naidu - Donor.

Sri C.K.Babu Naidu - 27 years (in favour of gift

Sri C.K.Venkataraman - 20 years (not known)

Sri C.K.Rajaram - 17 years (minor)

Sri C.K.Sundararaj - 14 years (minor)

Sri C.K.Babu Naidu's son - 2 years (minor)

Should the Government accept its transfer there would be risk of its being repudiated by the last mentioned four to the extent of their share of the property. ~~But in spite of this increased risk Finance have stuck to their earlier~~

4. The Collector of South Kanara is informed that in view of the considerable risk which appeared to be involved in accepting the offer, the Government would like to have the opinion of the Government Pleader, South Kanara in the matter before proceeding further. He is accordingly requested to ask the Govt. Pleader to get the records relating to the property from the Govt. Solicitor Madras study them and give his opinion as to title and whether the Govt. would be well advised in accepting the gift. The Collr. is requested to obtain and forward his A-P's opinion very urgently.

27-8-54.

26/8/54.

To the Collector of S.Kanara, Mangalore.
To the S.G.
To the Govt.Solicitor, High Court, Madras.1.

Despatched who is requested to forward the records by Regd post to the Collector of S. Kanara Mangalore for the Collector.

Letter/Ref. No. 56977 D2/49-1 G.H. dt. 5-11-49. Govt Dept (D2)

To
Sri C.K. Krishnaswami Nayanar,
Malabar Fisheries Co: Chaliyam, via Feroke

Sir,

Subject: Gift of 'Lal Bagh'

With reference to your letter dt 29.9.49 withdrawing your offer of the above property to Govt. for the location of a hospital, I am directed to state that ever since the provisional acceptance of the offer in Jany. 1949, the Govt. have been examining the question whether the transaction would involve any risk of repudiation by some of your heirs. Though Sri P.R.K. Punja of Mangalore had reported that the property purchased in the name of your eldest was really your self acquired property and that the Govt need not therefore have difficulty in accepting the offer, legal opinion was that it was a question of fact whether the property was self acquired that if it was a joint family property, the minor can repudiate the transaction on attaining majority to the extent of his share at that time, and that the acceptance of the gift subject to the risk of possible litigation, was a matter of policy. A further question raised in this connection was whether the minor can require a particular part of the property to be allotted to him, where such allotment was not possible or equitable or will result in substantial injustice, and the legal opinion was that the Court may not decree the allotment of the share required by him but that this was a matter for the Court to decide.

Should the property be considered as a joint family property, the following persons would appear to have an interest in it:-

Yourself
Sri C.K. Babu Nayanar (27 yrs. - in favour of the gift)
Sri C.K. Venkataraman, (20 yrs)
Sri C.K. Rajaram (17 yrs.) minor
Sri C.K. Sundararaja - (14 yrs.) minor
Sri C.K. Babu Pratishtan - (2 yrs.) minor.

p 104 ptn

A/76

p 85 cf

Conflicting opinions made the decision even more difficult. The Govt sought for a final legal opinion, to enable them to decide the matter.

M on p. 17 ante

ibid p. 17 ante

Z on p. 23 ante

Should the Govt. accept transfer of the property, there could be risk of it being repudiated by the last mentioned four to the extent of their share of the property. In view of the considerable risk which appeared to be involved in accepting the offer, the Govt. ~~have asked for the opinion of the~~ desired to take further legal opinion in the matter and have accordingly asked for the opinion of the Govt. Pleader, S. Kamaraj, before proceeding further.

(2.) Much as the Govt. desire to secure your munificient gift, the circumstances stated above have prevented them from proceeding ~~further~~ finally in the matter. ~~I am to request that you would kindly see your way to keeping the matter open until the~~ final legal ~~opinion of the Govt. Pleader, S. Kamaraj, is~~ has been obtained ~~received~~ and considered by Govt..

Yours sincerely

Mr Bills

The Govt are however confident that you will appreciate their difficulties in the matter and I am accordingly to request you to keep the offer open until Govt have obtained the final legal opinion referred to and have examined it

Yours

Government of Madras
Education and Public Health Department
No.5697.D2.49.16.P.H.

From

T.M.S.Mani Esq., I.C.S.,
Addl. Secretary to the Government of Madras.

To

Sri C.S.Krishnaswami Nayudu,
Malabar Fisheries Co.,
Chaliyam, (via) Feroke.

Dated, Fort St. George, the 4th November 1949

Sir,

GIFT OF 'LAL BAGH'.

...

With reference to your letter dated the 29th September 1949 withdrawing your offer of the above property to Government for the location of a hospital, I am directed to state that ever since the provisional acceptance of the offer in January 1949, the Government have been examining the question whether the transaction would involve any risk of repudiation by some of your heirs. Conflicting opinions made the decision even more difficult. The Government have now called for a final legal opinion, to enable them to decide the matter.

Much as the Government desire to secure your munificient gift, the circumstances stated above have prevented them from proceeding quickly in the matter. The Government are however confident that you will appreciate their difficulties in the matter and I am accordingly to request you to keep the offer open until Government have obtained the final legal opinion referred to and have examined it.

Yours faithfully,

s/c

Addl. Secretary to Government.

kd.4.11.

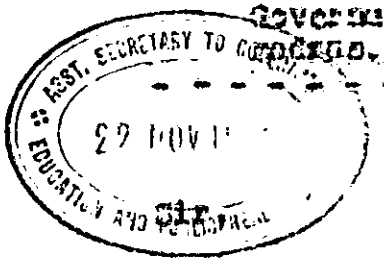
Registered for acknowledgment.

From

H.H.Small Esq., B.A., B.L.,
Government Solicitor,

To

The Collector of South Kanara,
Mangalore.



No. 4378 Dated 21st November 1949.

Sir,

9121 Medical relief - Location of Hospital - Gift of "Lal Baugh", Mangalore.

With reference to Education and Public Health Department memorandum No.6697.M2.49.15.P.H. dated 3rd instant to yourself, a copy of which has been sent to me, I now enclose 19 items of documents relating to the above matter, as per list enclosed, which please forward to the Government Pleader, South Kanara, as desired therein. Please return to me the list duly signed by yourself.

Yours faithfully,

Government Solicitor.

4379 Copies for information to: The Additional Secretary to Government, Education & Public Health Department, Fort St. George, Madras.

4380 The Government Pleader of South Kanara, Mangalore.

Memo No. 5697 D.H(D2)/49-17 P.H d. 12-12-49 Cdt P.H (D2)

Buildings - Medical Institutions at Mangalore - Gift of Sri. C. S. Krishnaswamy Naidu.

From the Govt. Solicitor No. 4378 d. 21-11-49.

The attention of the collector of S. Kanara is invited to Govt. Memo No. 5697 D2/49-15 P.H d. 3-11-49 and he is requested to state when the Govt. Pleader's opinion may be expected.

12/12/49

To
The Collector of S. Kanara

10/12
mm
10/12/49

15/12

P.M.84-24306/49 South Kanara Collectorate Office,
Mangalore, dated 21-12-49.

From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

To

The Secretary to Government,
Education and Public Health, Madras.

Sir,

Ref: Govt. Memo No.5607/D2-45-15 dated 3-11-49.
2.Letter No.4370 dated 21-11-49 from the Government Solicitor, Madras.
3.Govt. Memo No.5607 H(2)/49-17 E.I. dated 12-12-49.

I enclose in original the opinion of the Government Pleader, South Kanara, No.1330/49 dated 12-12-49.

2.The 10 documents received from the Government Solicitor, Madras are also resubmitted as per list enclosed. I request that their receipt may kindly be acknowledged.

Yours faithfully,

For Collector.

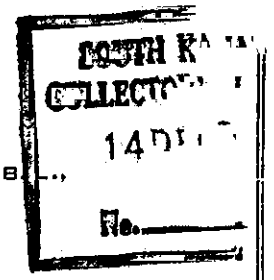
Enc: Govt. Pleader's Opinion,
10 documents (By Regd. Post A.D.)
ks/22-12

Ref. No. 1338/1949.

From

SRI K. S. HEGDE, M. A., B[illegible]

GOVERNMENT PLEADER.



OFFICE OF THE GOVERNMENT PLEADER,
South Kanara.

Mangalore, 12th December 1949.

To

The Collector of South Kanara,
MANGALORE. South Kanara.

S I R,

Ref: Your Ref.C.No.24606/49-B4 dated 8-11-1949 and your further letter dated 26-11-1949 - Land Mangalore Municipality - Kodialbail Village - T.S.No.263 of Ward No.II - Donation to Government - Government Memo No.5697-D2/49-15P.H. dated 3-11-1949 - Opinion.

I have gone through your above letter. I have also examined the records sent by the Government Solicitor.

The Government Solicitor did not question the title of the Vendor, i.e. the Executor of the Estate of Rao Saheb J. J. Fernandez. Nor could the title be doubted. The documents in question completely establishes the title of the Vendor.

The only point for consideration is, has Sri.Krishna Swami Naidu right to gift the property in question to the Government ? The Sale Deed dated 16-6-1943 stands in the name of Sri. Coona Krishna Swami Babu Naidu son of Sri. S.Krishnaswami Naidu, who proposes to gift the property to Government. The Vendee referred to, i.e. Sri. C.K.Babu Naidu is also willing to join in the gift. Hence from that point of view there would be no difficulties.

But the Government Solicitor seem to think that the acquisition in the name of Sri. C.K.Babu Naidu should be deemed to have been made by Sri.S.Krishna Swami Naidu, and Sri.C.S. Krishna Swami Naidu being the Karta of the Joint Hindu Family must be presumed to have acquired the property from out of the Joint Family Funds. Hence he seem to think that the gift in question could be successfully attacked by the remaining four children of Sri. C.S.Krishnaswami Naidu.

I am unable to agree with the Learned Government Solicitor. It is no doubt true that Sri.C.S.Krishna Swami Naidu is the Karta of his family, and it is also true that as per the Partition Deed dated 18-12-1923, he got property worth Rs.4,500/- for his share.

I understand the estate that is offered to be gifted to the Government is worth about Rs.3,00,000/-. Apart from this, Sri. C.S.Krishna Swami Naidu owns large estates. He is said to be a leading businessman. It is also seen from the Partition Deed aforesaid, that he had independant business even as early as 1923. The family in question is not a trading family, nor his business could be said to be a family business. The share he got from his family is only worth Rs.4,500/-. Under these circumstances there is no likelihood of the Court coming to the conclusion that the large estates acquired by Sri.C.S.Krishna Swami Naidu is out of the Joint Family Funds. The Law is now crystalised.

"While there is a presumption that a Hindu Family is Joint until the contrary is proved, there is no presumption that the Hindu family is possessed of property. The party alleging that the property held by an individual member of a Joint Family is family property must show that the family was possessed of some property with the aid of which the property in question could have been acquired. If this is shown and only then, the onus shifts to the party alleging self-acquisition to affirmatively make out that the property was acquired without any aid from the family assets." Apart from this, "the proposition that the mere possession of Joint Family property of a Joint Hindu Family would raise a presumption of Law that all the property in the possession of a co-parcenar is Joint Family property would be strictly correct only if the Joint Family property possessed by the Joint Hindu Family was such, as would have enabled and led to the acquisition of the other property. If, having regard to the nature of the income from the admitted Joint Family property or otherwise the same could not have possibly helped him or led to the acquisition of the subsequent property, then there is no presumption that the subsequent property is joint family property." (Vide A.I.R. 1930 - Madras - 662). This aspect was powerfully emphasised by His Lordship Justice Beaumont, C.J. in the case reported in A.I.R. 1937 Bombay, page 446. "Under the Hindu Law it is not to be presumed from the mere existence of Joint Family that there is any Joint Family property. There is also no presumption that the property which belongs to a member of the Joint Family is Joint Family property. The burden of proving that certain properties purchased by a member of the Joint Family is Joint Family property lies on the person who so alleges.

"But if there is a Joint Family, which possesses a nucleus of joint family properties, the property acquired by the member of that family is presumed to be joint family property. The nucleus of the joint family property necessary to give rise to such presumption must be family property from which the purchase money for the property in dispute must have been derived wholly or at any rate in considerable part." The mere possession of a Joint Family property at the date of the purchase of the property in dispute is not enough to raise a presumption that the property in question is itself a Joint Family property. If it is shown that the only joint family property existing at the date of the acquisition of the property in dispute, was of such a nature, that it could not possibly have been the means of acquiring the property in dispute, then the presumption that the property in dispute is Joint family property does not arise."

In view of the above decisions which correctly summarises the Law on the point, it is hardly likely that any Court would come to the conclusion that the acquisition made by Sri.C.S. Krishna Swami Naidu have been made with the aid or assistance of the Joint Family Funds. It must be remembered that the Joint Family Funds were just a paltry sum of Rs.4,500/- quite dis-proportionate to the enormous wealth said to have been earned by Mr.Naidu.

Ref. No.

From

SRI K. S. HEGDE, M. A., B. L.,

GOVERNMENT PLEADER.

OFFICE OF THE GOVERNMENT PLEADER,

South Kanara.

Mangalore, 19

3

In the light of these discussions I have no hesitation in recommending to the Government that the Gift in question could be safely accepted.

Papers returned.

12/12

GOVERNMENT PLEADER OF S.K.

Encl: One sealed cover contg. 19 documents.

LIST OF DOCUMENTS

Gift of "Lalbagh"

1. Deed of Indemnity for Rs. 13,000/- (In original) executed by Mr. L.P. Fernandes in favour of the Catholic Bank Ltd., Mangalore dated 19th February 1941 containing 4 sheets.
2. Mortgage deed dated 14th December 1922 (in original) executed by Mr. J.J. Fernandes, to Messrs Price, Leslie, and Company Limited, Tellicherry 3 sheets.

3. Typed copy of settlement deed dated 27th October 1921 by Mary Magdalena Coelho - containing 3 sheets.

4. Typed copy of the last will of Margaret Mary Fernandes appointing J.J. Fernandes as Sole Executor of her will containing 1 sheet.

5. Typed copies of Release Mortgage Deed containing 2 sheets

6. Certificate of encumberance of property from 1-1-21 to 7-7-43 containing 1 sheet.

7. Deed of Indemnity for Rs.7000/- executed by Mr. L.P. Fernandes in favour of the Catholic Bank Limited, Mangalore dated 17th July 1941(in original) containing 2 sheets.

8. Release Deed dated 5th July 1943 by the Catholic Bank Ltd., Mangalore to Dr. L.P. Fernandes, containing 2 sheets (In original)

9. Letter dated 16th July 1943 by L.C.Rais 1 sheet.

10. Field plan of Lal Bagh property

11. Certified copy of the orders passed on probate by the District Judge South Kanara dated 1st March 1918 between Julia Margaret Fernandes and J.J. Fernandes containing 3 sheets.
12. Certified copy of the ~~the~~ discharged mortgaged deed by Lord Bishop of Mangalore - containing 2 sheets.

13. Certified copy of the High Court Order appointing Mr. L.P. Fernandes the Executor of the Will containing 2 sheets.

14. Certified copy of the Judgement in O.S.No.2 of 1940 of the District Court South Kanara containing 5 sheets.

15. Partition deed dated 19th December 1922 as Document No.2010 of 1922.
16. Mortgage Deed dated 19th December 1922 as Document No. 2011 of 1922.

17. Release Deed dated 26th July 1934, as document No, 1939 of 1934

18. Registration copy of sale Deed dated 16th July 1943 as document No.2197 of 1943.

19. Encumbrance certificate No. 19 of 1919 dated 29th Jan. 1941.

For Collector.

28/XI

Govt Depot (H2)

Building - Medical institutions : Mangalore - Gift of Sri C. Krishnaswami Rai

From the Collr. of South Kanara, Mangalore

Rep No. 24606/49 & 21249

p 117 cf

Memo No 5697 XV H (2) 49-18 Dt 30.12.49

The receipt of the 19 documents specified in the enclosed list, is hereby acknowledged.

28/12/49

20

The Collr. of S. Kanara with a list

Special — Memo No. 5697 H/49-209-H dt. 9/2/50.

Buildings - Govt. Medical Institutes at Mangalore - Gift of 'Lal Bagh' - Acceptance of

The Govt. have, after examining the opinion of the Govt. Pleader South Kanara, called for in Govt. Memo. No. 5697 D2/49-15 P-H d. 3-11-49 decided that they must stand by the orders in Go. 209 P.H d. 24-1-49 accepting the gift of 'Lal Bagh' and forthwith effect the transfer of the property excluding the portion in dispute. They accordingly pass the following orders.

(1) the Collector of South Kanara is requested to take action to complete the work of sub-dividing and demarcating the site of Sri. Krishnaswamy Naidu from the portion in dispute and then forward to the Govt. Solicitor Madras an authoritative sketch plan of the boundaries of the plot excluding the strip under litigation reporting at the same time the value of the gift for purposes of registration;

(2) the Govt. Solicitor is requested will on receipt of the required materials from the Collector, complete the preparation of the draft transfer deed and arrange for its early execution; and

(3) the Sr. should is requested to see to the early execution of the transfer deed and then arrange with Sri Krishnaswamy Naidu for the formal handing over of the property.

2) The attention of the Sr. is invited to the correspondence resting with his letter Nepav. 92416 - M1 d. 23.5.49 in which he has proposed that 'Lal Bagh' should be used to house a T.B. Hospital or Department. Sri. P.R.R. Punja who sponsored

the offer of Sri. Krishnaswamy Naidu has in his letter d. 8.9.49 extract enclosed, has raised certain objections to the proposal. The SG. is requested to consider these objections and report whether the property can be used to house any other dept. of the Headquarters Hospital, Bangalore thereby releasing space which may be used for the expansion of the hospital department.

3. The nine/ten documents received from the Collr. of South Kanara, are returned to the Government Solicitor, Madras. He is requested to acknowledge their receipt.

To
The Collector of South Kanara
The Govt. Solicitor (with reminders by reg. post if not due)
(with copies of pp 119-121 cf.)
The SG. (with copy of paras at pp 86-87 cf.)
Sri C.S. Krishnaswamy Nayudu Malabar Fisheries Co. Mahaligan (via Ferokh)
(Secy)

pp 3

dispatched orders to collector & C.S. Krishnaswamy
9/2/50

From

H.M.Small Esq., M.A., LL.B.,
Government Solicitor,
Madras.

To

The Additional Secretary to the
Government of Madras,
Education & Public Health
Department, Madras.

No. 718. Dated 16th February 1950.

12476
pl. land

Buildings - Government Medical Institutions at Mangalore - Gift of "Lal Bagh" - Acceptance - Your memorandum No.5697 H/49-20 of the 9th inst.

I am duly in receipt of a copy of your abovementioned memorandum with the nineteen title deeds therein referred to and, on receiving the authoritative sub-division sketch with a note of the area to be conveyed in favour of the State of Madras, will prepare the draft deed of gift and send same to the Surgeon-General with the Government of Madras.

HMS/RV

Yours faithfully,

H.M. Small

Government Solicitor.

Edn.H (H2)

Maybe filed.

4/2/50

22/2/50

24/2/50 mm/2125

Special

Memo No: 5697 H/49-21 d. 9-3-30. Health (A2)

131

Buildings. Govt. Medical Institutions at Mangalore. Grille of 'Lock Ward'

Acceptance of

9/3

The attention of ~~the Govt. Solicitor~~ the Govt. Solicitor and the Collector of South Kanara and the S.G. is invited to para 1 of Govt. Memo. 5697 H/49-20 P.H d. 9-2-30 and they are requested to report the present stage of the matter.

2/ The S.G. is requested to state when his reply to para 2 of Govt. Memo. No. 5697 H/49-20 P.H d. 9/2/30 may be expected.

To
The Collector of S. Kanara
The Govt. Solicitor
The S.G.

9/3/30.

9-3-30

Ref.No.14138-A1/50-3

Office of the Surgeon-General with the Government of Madras, Madras
Dated 11-3-50.

From

Dr.J.C.David, MBBS., Ph.D(Edin).,
Surgeon-General with the Government of Madras

To

The Secretary to Government,
Health Department, Madras.

ASSISTANT SECRETARY 231 12 MAR 1950 HEALTH

Sub: Buildings-Gift of "Lal Bagh" by Sri C.S.Krishnaswami Naidu.
Ref: 1.Govt.Memo No.5697- H/49 -20 PH dated 9-2-50.
2. -do- 92690- H/47-17 PH dated 9-2-50.

The matter is under correspondence with the District Medical Officer. I will submit my report to Government, as soon as his remarks are received, and examined.

Yours faithfully,

RS.11.3 for Surgeon-General with the Government of Madras.

Health Deptt (G)

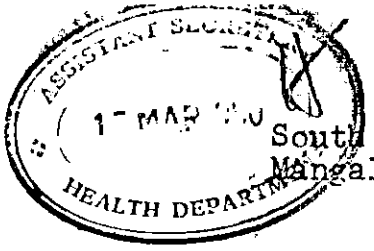
The 8.5. may/ju reminder/notice

10.4.50

mm
14.3.50

15 3. 50

1434



Ref.B4. 3673/50. South Kanara Collector's Office,
Mangalore, dated 14-3-1950.

From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

To

3239 The Secretary to the Government,
Health Department, Madras.

Sir,

BUILDINGS - Government Medical Institutions - at Mangalore - Gift of Lal Bagh' --Acceptance of.

Ref:-1)From the Government of Madras Memorandum No.5697/H/49-20. P.H. dated 9-2-50 and No.5097/H/49-21 P.H.d/9-3-1950.

As ordered in the Government Memo dated 9-2-1950 the Tahsildar, Mangalore has been directed to complete the work of sub ~~division~~ dividing and demarcating the site of Sri.Krishnaswamy Naidu from the portion in dispute and to submit a sketch plan of the boundaries of the plot. His report has not been received. He has been reminded to submit the report called for expeditiously. The required particulars will be furnished to the Government solicitor soon after the receipt of the Tahsildar's report.

Yours faithfully,

For Collector. 15.3.50

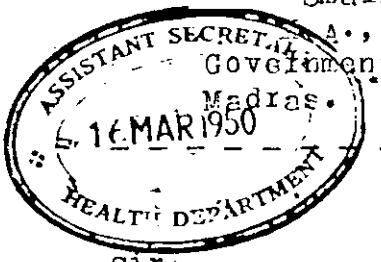
Copy to the Government Solicitor,Madras.

From

Small Esq.,
A., LL.B.,
Government Solicitor,
Madras.

To

The Secretary to the Government
of Madras,
Education & Public Health Department,
Madras.



No. 1256 Dated 15th March 1950.

Sir,

3066

Buildings - Government Medical Institutions at Mangalore - Gift of 'Lal Bagh'.

With reference to the memorandum No.5697 H/49-21 dated the 9th instant I invite a reference to my letter No.718 dated the 16th ultimo. I have not yet received the sub division sketch and the note of the area to be conveyed to Government and as soon as the same is made available to me I will prepare and send the draft deed of gift to the Surgeon-General for approval.

Yours faithfully,

Government Solicitor.

AKK:NRP

Health Dept (H2)

Buildings - Mangalore. Govt. Medical institute
Gift of Lal Bagh

14/2/50 I 135 Instr. From the Collector of S. Kanara, Rep. B4. 3673/50 & 14.3.50
I 137 Instr. From the Govt. Solicitor, Madras, No. 1256 & 15.3.50

Memo No. 5697 H/49-22 H3 18.3.50

A copy of letter from the Collr. of S. Kanara cited above is communicated to the Govt. Solicitor, Madras for information

mm
17.3.50

Govt
18/3

Thomas Cook
dm
22/3

To
The Govt. Solicitor
Madras
(with encl)

Copy of I-135 Instr

Ref.B4.3673-50.

S.Kanara Collector's Office,
Mangalore dated 28.3.50.

From

JANAB SYED AHMED,B.Sc(Hons)
Collector of South Kanara.

To

The Secretary to the Government,
Health Department,
Madras.

5707

Sir,

BUILDINGS: Government Medical Institutions at Mangalore--gift of Lal Bagh--acceptance of.

**

Ref: From the Government of Madras Memorandum No.5697-H/49-20 P.H dated 9.2.50 and No.5697-H/49-21 P.H dated 9.3.50.

**

The donor Sri C.S.Krishnaswamy Naidu had estimated the value of his gift at Rs.300000-0-0. The Tahsildar Mangalore who was asked to report the value of the gift reports its value at Rs.151700-0-0 As there is much disparity between the two valuations, I have requested the Divisional Engineer, Highways,Mangalore to value the 5 small houses and the bungalow existing in the gifted plot. Moreover the Tahsildar reports that there is nobody who has a knowledge of the disputed plot and as there is no indication of the same in the records I have asked Sri C.S.Krishnaswami Naidu the donor to furnish these particulars. In these circumstances I think that it may take a fortnight more to submit my report. Time till then may please be granted.

Health (H2)

The collector's further report may be awaited till 20.4.50.

Yours faithfully,

For Collector 29.3.50

SR 1-3-50. mm 31/3/50

Copy to the Government Solicitor, Madras.
Copy to the Divisional Engineer, Highways, Mangalore.
IC/28.3.50.

SB 29.3

Ref. No. 100408- A1/50-3 Office of the Surgeon-General with the Government of Madras, Madras 6, Dated 30-3-50.

From

Dr.J.C.David., MBBS., Ph.D (Edin).,
Surgeon-General with the Government of Madras.

The Secretary to Government,
Health Department, Madras.

Sir,

Sub: Buildings-"Lal Bagh" Mangalore-Gift by Sri C.S.Krishna--swami Naidu-Utilisation of the building.

5861 pp 127-128 cf

Ref: 1.Govt.Memo No.5697-H/49-20 PH dated 9-2-50.
-do- No.92690-H/47-17 PH dated 9-2-50.

pp 87-88 LF.

The Lal Bagh building is not a type design building for a hospital but a residential bungalow which can accomodate only about 30 beds. It is an ideal place for a Tuberculosis Hospital, as already proposed in my letter Ref.92416 M1 dated 23-5-49. The Compound of Lal Bagh being spacious and away from the congested portion of the town, the building is sufficiently isolated from the neighbouring dwelling houses and will not undermine the health of any neighbours.

pp 77-78 cf

But in view of the objections raised by Sri P.R.R.Punja against the above proposal as pointed in para 2 of the Government Memorandum No. 5697 H/49-20 PH dated 9-2-50, I suggest the transfer of all the chronic cases (not incurable as suggested by Sri Punja) but those cases like anaemia etc., which do not require close attention and have to remain as in-patients. About 30 beds are now occupied by such patients on the Medical side and the space thus released may be utilised for the acute cases. Statement showing the extra cost recurring and non-recurring involved in the proposal is being compiled and will be submitted to Government shortly.

Z

It is not possible to transfer any of the departments from the Head--quarters Hospital or to house a Women and Children Hospital, in Lal--Bagh for the reasons explained by the District Medical Officer, South Kanara in his letter Roc.No.300/49- dated 22-2-50*(Copy enclosed).

Ref 2

pp 127-128 cf

With reference to Government Memorandum No.92670-H/47-17 PH dated 9-2-50, I have to state that the construction of any of the buildings proposed in the Post-war Scheme for improvements to Headquarters and Lady Goshen Hospitals, need not be dropped due to the shifting of about 30 patients to Lal Bagh. The above Hospitals, are overcrowded and inpatient treatment to the deserving cases has to be refused for want of sufficient accomodation. The removal of 30 patients to Lal--Bagh will relieve the congestion and overcrowding to some extent.

Yours faithfully,

for Surgeon-General with the Government of Madras.

RS.30.3

*Copy of letter.

The Lal Bagh building is not a type design building for a hospital. but only a residential bungalow which will accomodate only about 30 beds. Hence it is not possible to have a women and children hospital there as suggested by Mr.Carlson, Secretary of the Welfare Association.

1 X 1

The present women and Children (Lady Goshcen) Hospital is a neat type design building which is now accomodating about 150 patients although the sanctioned number of beds is only 80. Lal Bagh building will hold only 1/5 of the total number. New extensions of buildings with operation theatre, labour room, nurses quarters, Resident Medical Officer's quarters all have to be built. To locate a Women and Children Hospital, at Lal Bagh will only be a waste of money. Hence I do not recommend it.

pto

In the Lady Goschen Hospital, there are five main departments, Surgical Medical, Maternity , Children and Tuberculor. There is no sufficient space or facility in Lal Bagh to transfer the first four departments. Moreover there should be whole time experienced staff to supervise these departments. In the Wenlock Hospital the main departments are Surgical, Ophthalmic, E.N.T, Venereal and Tuberculor. Acute medical and Surgical cases cannot be transferred as there are no facilities at Lal Bagh. Special Clinics like E.N.T and Ophthalmic sections cannot be shifted as there are not sufficient number of cases to be treated in a separate hospital.

Lal Bagh is an ideal place for Tuberculor patients. The matter was placed before the advisory committee on two occasions and the members were of the unanimous opinion that the T.B patients could be housed at Lal Bagh. Copies of those resolutions were already forwarded to the Surgeon-General with the Government of Madras, Madras-6. ~~vide on 1.8.48 and this office letter Doc.No.3-8/49 dated 3-5-49. In this connection I invite your attention to my letter Doc.no.509/49 dated 10-5-49.~~ But since a few influential gentlement have taken up an agitation on purely sentimental grounds, I think to avoid scare, Tuberculor cases which are non-infectious ~~(Sputum Negative)~~ and those who are convalescent may be kept there as a temporary measure till there is sufficient accomodation in the new sanatorium going to be built. This will not in any way undermine the health of any neighbours as suggested by Mr.P.R.R.Punja in his letter and it will be a great blessing to the unfortunate T.B patients who are now suffering in both the Headquarters and Lady Goschen Hospitals due to overcrowding and want of proper fresh air.

1987

In case this suggestion is not approved, the only other proposal I can suggest is to transfer all the chronic cases (not"incurable" as suggested by Mr.P.R.R.Punja) but those cases like anaemia etc., which do not require very close attention and have to remain as in-patients. About 30 beds are now occupied by such patients on the medical side which could be utilised for other acute cases.

/True copy/

for Surgeon-General with the Government of Madras.

Health (H2) Dept

From the Collector of South Kanara, Ref.B4-3673-50 dated 28-3-50.

Sub: Buildings-- Govt. Medical Institutions at Mangalore - Gift of 'Lal Bagh' - Acceptance of.

--

Memo: No. 5697 H/49. Dt 24.4.50.

The Collector of South Kanara is requested to state when ~~his~~ the report promised in his letter cited above may be expected.

To the Collector of South Kanara, Mangalore.

Ref.B4.3673-50.

S.Kanara Collector's Office,
Mangalore dated 1.5.50.

From

JANAB SYED AHMED, B.Sc(Hons.)
Collector of South Kanara.

To

The Secretary to the Government,
Health Department,
M A D R A S.

11083 Sir,

BUILDINGS: Government Medical institutions at Mangalore--gift o of Lal Bagh--acceptance of.

Ref: Memorandum No.5697.H/49 of the Health Department dated 24.4.50.

--

As already reported in my letter dated 28.3.50 I requested Mr. C. S. Krishnaswami Naidu the donor to furnish information regarding the disputed plot. Since he has failed to furnish the particulars the connected papers were sent to Tahsildar, Mangalore for gathering the information in consultation with Mr.P.R.R.Punja and preparing sketches. As he required some more time, I hope to submit my report by the 10th of May. Time till then may please be granted.

Yours faithfully,

For Collector.

IC/2.5.50.

Health (H2)

L.O. 15.5.50.

S12
4/5/50.

8/5/50

Health (H2) Deptt.

D.O. No. 5697 H/49-24 Dt 19-5-50

Dear Janab Syed Ahmed,

Sub: Buildings - Govt. Medical institutions at Mangalore - Gift of 'Lal Bagh' - Acceptance of.

Ref: Your letter Ref.B4. 3673-50 dated 1-5-50.

...

I am to ~~invite your attention~~ refer to Govt. Memo No. 5697 H/49-21 dated 9-3-50 and your latest reply thereto, Ref.B4-3673-50 dated 1-5-50, and to request you to expedite your final reply.

Yours sincerely,

To Janab Syed Ahmed, B.Sc.(Hons),
Collector of S. Kanara,
Mangalore.

Note: Draft D.O. above is submitted with reference to orders of Secretary in the personal Regn.

DEPUTY SECRETARY
14138-A
MAY 1950
HEALTH DEPARTMENT

D.O. Ref.C.No.B.4.3673-50.

Collector's Office, S.Kanara,
Mangalore, Dated 23rd May 1950.

Dear Sri. Mani,

Buildings - Government Medical Institutions at Mangalore-
Gift of Lalbagh - Acceptance of - papers.

Ref: 1. This office Ref.C.No.B.4.3673-50 dated 18-5-50.
2. Your D.O.No. 5697-H/49 dated 19-5-50.

Health(Hr)

L.O.10.6.50 see below 25-5-50. 26/5/50 25350

The papers are pending with the Tahsildar Mangalore for preparing an authoritative sketch plan of the boundaries of the plot excluding the strip under dispute. Nobody was able to identify the strip under litigation and the Tahsildar has promised to do the same in consultation with Sri. G.Somashekar Rao, Advocate, Mangalore. As Sri. G.Somashekar Rao who was absent at Bangalore is expected within a few days, I have applied for time up to the end of this month in my report dated 18- 5-1950 for submitting a final report in the matter. The time already applied for may please be granted and I am taking necessary action to submit my report by the end of this month.

ASSISTANT SECRETARY
25 MAY 1950
HEALTH DEPARTMENT

Please get returned a copy of the report of 18.5.50. Also am to file with this final report as early as possible in 26/5/50

Yours sincerely,

(Syed Ahmed) 25/5/50

To

Sri. T.M.S.Mani, I.C.S.,
Additional Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras - 9.

Ref. C.No. 3673/50.

South Kanara Collector's office
Mangalore, dated 27.5.1950.

From
Janab Syed Ahmed B.Sc. (Hons),
Collector of South Kanara.

To
The Government Solicitor,
MADRAS.

Sir,

BUILDINGS: Government Medical institution of Mangalore/Gift of Lalbagh -Acceptance of.

Ref: Memorandum No. 5697 H/49-20 P.H. dated 9.2.1950 from the Government of Madras, Public Health Department.

15458

An authoritive sketch plan of the boundaries of the plot excluding the strip under litigation as furnished by the Tahsildar,.... Mangalore along with the necessary sub-division records are enclosed

2. Enquiry reveals that the disputed portion does not fall within the newly formed subdivision 263/1. Sketch in the file at pages 43 and 45 of the file may, therefore be taken as an authorisation tative one.

3. The value of the gift for purpose of registration is furnished below: The land and the buildings have been valudd separately.

1. Value of land at Rs. 10,000/- per acre for 6.57 acres	---	Rs. 65700-0-0
2. Usufructual value.....		28500-0-0
3. Value of buildings, ...		73547-0-0
4. Value of the wells, Compound wall and gate...		31000-0-0
Total.		1,98, 747-0-0

The value of the land is based on the prevailing market rate while the buildings were got valued through the Executive Engineer P.W.D. The date for the valuation are furnished in the records enclosed.

4. The records of enquiry containing pages 25 to 61 along with the records of this office D.Dis. 2861/49, D.Dis. 24606/49, D.Dis.. 12000/49 and R.Dis. 2859/49 are enclosed. The above 4 disposal files may be returned when no longer required.

Yours faithfully,

For Collector.

bs.29.5.50

Copy submitted to the Additional Secretary to Government, Public

From

H. M. Small Esq.,
M.A.,LL.B.,
Government Solicitor,
Madras.

To

The Secretary to the Government of Madras,
Health Department,
Fort St. George, Madras.

No. 3625. Dated 6/7th June 1950.

Sir,

Building - Mangalore Government Medical Institutionx - gift of "Lalbagh" - ref: correspondence ending with your memorandum No.5697 H/49-22 of the 18th March last.

I have now received sufficient information from the Collector of South Kanara in his letter of the 27th ultimo, which reached me on the 2nd instant and, I now enclose a suitable draft of deed of gift which may be executed and registered by the Donor in favour of Government, safe receipt of which please acknowledge at your convenience.

Yours faithfully,

H. M. Small

Government Solicitor.

HMS/SM.

3626. Copy for information with copy of the draft deed to the Surgeon General with the Government of Madras, 81 Mount Road, Mxxxxxx Teynampet, Madras.

Copy of the draft deed of gift.

***

THIS DEED OF ABSOLUTE GIFT made the date of June One thousand nine hundred and fifty BY SRI C. S. KRISHNASWAMY NAIDU, Hindu, Balija, residing at Chaliyam near Feroke in the State of Madras (hereinafter referred to as the Grantor, which expression shall, where the context so admits, include his heirs, executors, administrators, legal representatives and assigns) of the one Part with the consent and concurrence of his son, Sri Coona Krishnaswamy Babu Naidu, the registered holder of the property hereinafter and in the First Schedule hereto mentioned and described, IN FAVOUR OF HIS EXCELLENCY THE GOVERNOR OF MADRAS (hereinafter referred to as the Donee which expression shall include his successors in office and assigns) of the Other Part-

WHEREAS the Grantor out of his own self-acquired funds only was the sole purchaser of inter alia the said property but for sentimental reasons obtained a registered conveyance thereof from his vendor on the 16th July 1943 in favour of his said son, Coona Krishnaswamy Babu Naidu;

AND WHEREAS in consideration of the Government of Madras having undertaken to utilise the said property for medical relief purposes for the benefit of the community, the Grantor being desirous of promoting the welfare of the community, is accordingly desirous of making an absolute gift of the said property to the Government of Madras for medical relief;

AND WHEREAS the said Coona Krishnaswamy Babu Naidu has, at the request of the Grantor, consented to and concurred in the proposed gift and the conveyance and transfer thereof by joining in these presents to the end that the Donee may acquire a clear and absolute title to the said property;

NOW THIS DEED WITNESSETH that in pursuance of the said agreement and in consideration of the premises the Grantor, with the consent and concurrence of the said Coona Krishnaswamy Babu Naidu, hereby grants, conveys, transfers and assigns absolutely unto the Donee ALL THAT piece of parcel of land with the main bungalow, smaller residential quarters, garages, store rooms, latrine, wells and compound walls and all other erections and works therein and thereon commonly known as "Lal Bagh" in the village of Kodialbail, near the town of Mangalore in the Registration District of South Kanara in the State of Madras, and more

particularly described in the First Schedule hereunder written and demarcated on the sketch plan hereto annexed, TOGETHER with all fixtures, hedges, ditches, fences, ways, waters, watercourses, liberties, rights, lights, privileges, easements, advantages and appurtenances whatsoever, to the said piece or parcel of land and premises or any of them appertaining or with the same or any of them now or heretofore occupied or enjoyed or reputed or known as part or parcel of them or any of them or as appurtenant thereto AND ALL the estate, right, title, interest, claim and demand of the Grantor and his said son in, to and upon the same TO HAVE AND TO HOLD the said piece or parcel of land and buildings and all ~~the~~ singular other the premises hereinbefore expressed to be hereby transferred and assigned UNTO the Donee for ever and free from all encumbrances AND each of them the Grantor and his said son doth hereby covenant with the Donee that notwithstanding anything by them or either of them done or knowingly suffered they the Grantor and his said son now have full right and power to convey transfer and assign absolutely all and singular the said piece or parcel of land and promises hereinbefore expressed to be hereby conveyed transferred and assigned to the Donee: AND THAT the same shall at all times remain to the Donee and be quietly entered into and upon and held and enjoyed and the rents and profits thereof received by the Donee accordingly without any lawful interruption or distrubance by the Grantor or his said son or any person claiming through or in trust for them or either of them and that free and discharged from or otherwise by them or either of them sufficiently indemnified against all estates incumbrances, claims and demands, costs, damages and expenses created, occasioned or made by them or either of them or any person claiming through or in trust for them or either of them: AND further that they and every person having or claiming any estate, right, title or interest in or to the said piece or parcel of land and premises or any of them through or in trust for th them or either of them will at all times at the cost of the Donee execute and do every such lawful assurance and thing for the further or more perfectly assuring all or any part of the said piece or parcel of land and premises to the Donee as by him shall be reasonably required;

AND the Grantor and his said son do hereby further covenant with the Donee that they will at all times unless prevented by fire or other inevitable accident, upon every reasonable request and at the cost of

Fernandes in favour of the Catholic Bank Limited, Mangalore, dated 19th February 1941.

2. Mortgage Deed dated 18th December 1922 (in original) executed by Mr. J.J. Fernandes, to Messrs Peirce, Leslie and Company Limited, Tellichery.
3. Typed copy of Settlement Deed dated 27th October 1898 by May Magdalena Coelho.
4. Typed copy of the last will of Margarent Mary Fernandes appointing J.J. Fernandes as Sole Executor of her Will.
5. Typed copies of Release Mortgage Deed.
6. Certified copy of encumbrance of property from 1-1-1931 to 7-7-1943.
7. Deed of Indemnity for Rs.5,000/- executed by Mr. L.P. Fernandes in favour of the Catholic Bank Limited, Mangalore, dated 18th July 1941.
8. Release Deed dated 6th July 1943 by the Catholic Bank Ltd., Mangalore, to Dr. E.P. Fernandes.
9. Letter dated 12th July 1943 by P.D.'Souza.
10. Certified copy of the orders passed on Probate by the District Judge, South Kanara, dated 1st March 1915.
11. Certified copy of the discharged mortgage deed by His Grace the Bishop of Mangalore.
12. Certified copy of the High Court order appointing Mr. L.P. Fernandes Executor of the Will.
13. Certified copy of the Judgment in O.S.No.3 of 1940 of the District Court, South Kanara.
14. Partition Deed dated 18th December 1923, Document No.2010 of 1923.
15. Mortgage Deed dated 18th December 1923, Document No.2011 of 1923.
16. Pelease Deed dated 25th July 1934, document No.2030 of 1934.
17. Sale Deed dated 16th July 1943, document No.2197 of 1943.
18. Encumbrance certificate No.19 of 1949 dated 29th January 1949.

SIGNED and DELIVERED by the abovenamed C S KRISHNASWAMY NAIDU, in the presence of:

FIRST WITNESS:

SIGNATURE:

DESIGNATION:

ADDRESS:

SECOND WITNESS:

SIGNATURE:

the Donee or any person or persons having or claiming through the Donee any estate or interest at law or in equity in the piece or parcel of land hereby conveyed, transferred and assigned or any part thereof produce or cause to be produced to the Donee or his Law Officers or agents or such other person or persons as the Donee shall direct or in the course of any judicial or other proceedings or otherwise as occasion shall require all or any of the deeds and writings mentioned in the Second Schedule hereto for the proof, defence and support of the title and possession of the piece or parcel of land and premises hereby conveyed, transferred and assigned or any part thereof and will permit the same to be examined, inspected or given in evidence and will also at the cost of the Donee make or furnish or cause to be made and furnished to the Donee such true attested or other copies or extracts from the said deeds and writings respectively as the Donee may require and will keep the same deeds and writings safe whole and uninjured, fire or other inevitable accident only excepted;

The value of the property is Rs.2,17,400/-.

IN WITNESS WHEREOF the Grantor and his said son, Coona Krishnaswamy Babu Naidu, have hereunto subscribed their respective signatures the day month and year first above written.

THE FIRST SCHEDULE ABOVE REFERRED TO:

Registration District:	South Kanara in the State of Madras.
Registration Sub-District:	Mangalore.
Village:	Kodialbail.
Ward & Block:	Ward No.2, Block No.7.
Survey No:	T.S.No.263/1.
Extent:	Six acres and fifty-seven cents or thereabouts.

BOUNDARIES:

NORTH:	T.S.Nos.234, 239 and 300, Bijai Road, Porambore.
EAST:	T.S.No.251.
SOUTH:	T.S.No.263/2.
WEST:	T.S.Nos.261 and 262 Mahatma Gandhi Raod, Poramboke.

THE SECOND SCHEDULE ABOVE REFERRED TO:

1. Deed of Indemnity for Rs.12,000/- (in original) executed by Mr. L.P.

DESIGNATION:

ADDRESS:

SIGNED for concurrence and
DELIVERED by the abovenamed
COONA KRISHNASWAMY BABU NAIDU,
in the presence of:

FIRST WITNESS:

SIGNATURE:

DESIGNATION:

ADDRESS:

SECOND WITNESS:

SIGNATURE:

DESIGNATION:

ADDRESS:

DATED JUNE 1950.

SRI S. KRISHNASWAMI NAIDU, with the consent & concurrence of his son, Sri Coona Krishnaswami Nabu Naidu

IN FAVOUR OF

HIS EXCELLENCY THE GOVERNOR OF MADRAS.

DRAFT:

REED OF GIFT of property Lal Bagh", Kodialbail, Mangalore.

THE GOVERNMENT SOLICITOR,

M A D R A S.

Health (H2) Dept.

Read: Govt.Memo No.5697 H/49-20 dated 9-2-50.

From the Collector of South Kanara, Mangalore, Ref.C.No.3673/50 dated 27-5-50.

From the Govt. Solicitor, Madras, No.3625 dated 6/7th June 1950.

--

Sub: Buildings - Govt. Medl. Institutions, Mangalore - Gift of 'Lal Bagh' - Deed of gift - Execution and registration.

MEMO: No. 5697 H/49-26 dt 27.6.50.

The draft deed of gift received from the Govt. Solicitor, Madras, in respect of the property 'Lal Bagh' slightly altered by Govt (only verbally) is forwarded to the Surgeon-General with the Govt.of Madras and he is requested to send ~~the same~~ it to the D.M.O. South Kanara, ~~who should~~ and instruct him to arrange in consultation with the Govt.Pleader, Mangalore, for the early execution and registration of the deed by the donor and for the formal handing over of the property to Government.

2. A report to Govt. should be submitted as soon as the property is handed over to Govt. by the donor, Sri C.S.Krishnaswami Naidu.

3. The SG. is requested to expedite the *Statement of extra cost involved in the proposal to transfer of Chronic cases from the Govt. hospitals at Mangalore to "Lal Bagh", promised in his letter No. 100408. A1/50-3 dt 30.3.50.

4. The receipt of the draft of deed of gift enclosed with the Govt. Solicitor's letter cited above, is hereby acknowledged.

To the S.G., (with the draft deed of gift - pl.keep copy).

To the Collector of South Kanara, Mangalore.

To the Govt.Solicitor, Madras.

To the Govt.Pleader, Mangalore.

To Sri C.S. Krishnaswami Naidu, Malabar Fisheries Co., Chaliyam, (via) Feroke.

s/c.

Dept. H&D 27/6/50.

ASSISTANT SECRETARY
30 JUN 1950
HEALTH DEPARTMENT

Ref. No. 14138 A2/50-5

Office of the Surgeon-General with the Government of Madras, Madras, Madras 6, Dated 28-6-50.

From

Dr.J.C.David., MBBS.,Ph.D (Edin).,
Surgeon-General with the Government of Madras.

To

The Secretary to Government,
Health Department, Madras.

Sir,

Sub: Buildings " Lal Bagh", Mangalore, Utilisation by the transfer of 30 chronic patients from the Head quarters Hospital, Mangalore-Statement of extra cost-furnished.

19845 F 41

Ref: My letter Ref.No.00408-A1/50-3 dated 30-3-50.

With reference to para 2 of my letter cited forwarding the proposal for the utilisation of Lal Bagh by transferring 30 chronic patients thereof from the Headquarters Hospital, Mangalore, I furnish herewith statements showing the details of staff etc, with the recurring and non-recurring expenditure involved therein.

Lal Bagh is situated at one end of the town about 1½ miles away from the Headquarters Hospital and there is lack of transport facilities. Due to overcrowding and congestion a large number of patients are accomodated on the floor. Even after the transfer of 30 patients, it does not seem that the actual overcrowding in the Headquarters Hospital, Mangalore can be got over. Though the sanctioned bed strength is 116, average daily attendance of patients is over 200. By the removal of 30 patients the existing bed strength of 116 will not be affected. 30 patients lying on the floor will occupy the empty beds there vacated by the above transfer. It is therefore not feasible to make any transfer from the existing staff or equipment. The additional staff as specified below represents the actual requirements for the occupation of Lal Bagh with 30 patients.

CIVIL ASSISTANT SURGEON CLASS II- One

There are at present 3 Civil Assistant Surgeons Class II in the Headquarters Hospital, Mangalore for the sanctioned bed strength of 116. One of them is Radiologist and another the Resident Medical Officer. It is not possible to transfer the third Assistant Surgeon . One Civil Assistant Surgeon, Class II will therefore be required to attend on 30 patients at Lal Bagh.

STAFF NURSES Two

The existing sanctioned strength of Staff Nurses is 8. Based on the sanctioned scale of 1 Nurse and 2.5 Pupil nurses for 15 beds in a training institution, two more nurses will be required.

CLERK One

There are now five clerks who are already overworked. As Lal-bagh is situated about 1½ miles away from the Headquarters Hospital, Mangalore it has to be treated as a separate sub unit for administrative purpose, and, based on the sanctioned scale of 1 clerk for 30 beds, one clerk is necessary to work at Lal Bagh.

COMPOUNDER One

There are now six compounders in the Headquarters Hospital, attending to about 200 patients daily though the sanctioned bed strength is 116, and it is not possible to transfer any one of them. One additional compounder will therefore be essential at Lal bagh.

pto

NURSING ORDERLIES Four

There are 14 Nursing Orderlies at present. As per the sanc-tioned scale of 1 Nursing orderly for 8 beds, the Hospital is eligible for 4 more Nursing Orderlies and they are essential to work by day and night alternatively. $\frac{146}{8}$ = 12.25

COOK One

There are 2 cooks now. Based on the sanctioned scale of 1 cook for 50 beds or when multiple over 50 is not less than 25, one cook will be required at Lal Bagh, where there will be 30 patients.

PEONS One

There are 2 peons at the Headquarters Hospital,. One peon is required at Lal Bagh to go errands, carrying tappals, encash-ment of bills etc. 64B6

The equipment, etc proposed represent the absolute minimum required for the new hospital to be located at the Lal-bagh.

Yours faithfully,

for Surgeon-General with the Government of Madras.

RS. 28.6

STATEMENT SHOWING THE DETAILS OF ADDITIONAL STAFF REQUIRED IN THE ~~PROPOSAL~~ PROPOSAL TO TRANSFER 30 CHRONIC PATIENTS FROM THE HEADQUARTERS HOSPITAL MANGALORE TO LAL BAGH.

Staff	Existing sanctioned strength for 116 beds at Headquarters Hospital, Mangalore.	Additional staff proposed for 30 patients to be trans-ferred to Lal Bagh.	Total staff for the increased bed-strength of 148.	Remarks.
1	2	3	4	5
Civil Assistant Surgeon, Class II	3	1	4	-
Staff Nurses	8	2	10	Based on the scale of 1 Nurse for 15 beds.
Clerks	5	1	6	Based on the scale of 1 Clerk for 30 beds.
Compounders	6	1	7	
Nursing Orderlies	14	4	18	As per the scale of 1 Nursing orderly for 8 beds.
Cooks	2	1	3	As per the scale of 1 cook for 50 beds or when the multi-ple over 50 is not less than 25.
Peons	2	1	3	

II

Statement showing the recurring and non-recurring expenditure involved in the proposal.

Staff	Pay	Dearness allowance	House rent allowance	Ration allowance	Other Compen-satory allowance	Total
1	2	3	4	5	6	7
Civil Assistant Surgeon, Class II (150-10/2-170-15/2-230.)	1800	408	-	Compensatory allowance.	360	2568
Staff Nurses -2 * (85 - 5 - 150)	2942	432	480	720	84	4658
Clerk- 1 (45-90)	810	264	60	-	-	1134
Compounder-1 (35-1-60)	570	228	36	-	-	834
Nursing Orderlies Four (17-1-25)	1008	864	144	-	-	2016
Cook -1 25--35	360	228	36	-	-	624

Peon (18-1/2-25)	1	258	216	36	510

~~* (Furniture etc Rs. 350 x 2 = Rs. 700).~~

Medicines and Appliances	3000
Diet	11000
Linen	3500
Miscellaneous	2000
Total Recurring	Rs. 31844

Non-Recurring:

Equipment for Officer and Dispensary:	
1. Tablesbs	75
1. Chair	20
1. Compounding table	75
2. Wooden shelves	40
1. Almirah	100
4. Benches	210
Furniture etc for 2 Staff Nurses	5700
	1210
Wards:	
30 Cots	2500
30 lockers	1800
1. Table	150
2. Medicine trays	20
1. Chair	20
Kitchen utensils including Vessels for Storing water	1000
	5490

Total non-recurring Rs.1210 plus 5490/- or Rs.6700

(Exclusive of sales tax, packing, forwarding and other charges.).

Ref.c.No.B4.16851/50.

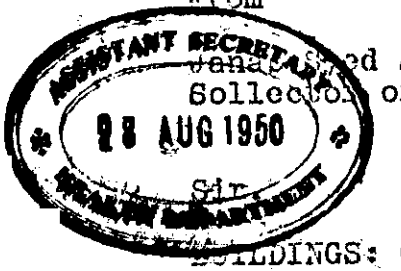
S. K. Collector's Office,
Mangalore.d.25.8.1950.

From

Janab Syed Ahmed B.Sc.,(Hons.)
Collector of South Kanara.

To

The Dt. Medical Officer,
South Kanara, Mangalore.



Sir,

BUILDINGS: Government Medical Institution - Mangalore - Gift of 'Lal Bagh' - Deed of gift - execution and registration of.

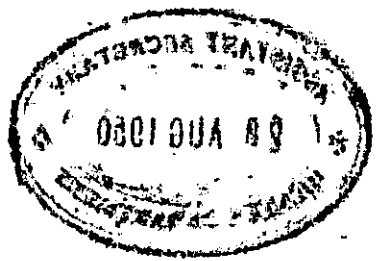
28461 Ref: Your Ref.c.No.3911/HC/50.d.19.8.50.

As the Government may be anxious to have the deed of gift executed and registered as early as possible, I request you to have the matter under your pensonal attention and see that the execution and registration of the deed of gift is attended to promptly. The progress may, however, be reported to this office.

:By order:

Huzur Hd.Clerk.

Copy submitted to the Secretary to the Government, Health Department,



~~Department~~, Fort St. George, Madras for favour of information.

vl.26.8.

From the S.G., Ref.No.14138 A2/50-5, dated 28-6-'50.

Sub:- ~~Misc.~~ - Medical Institutions - "Lal Bagh", Mangalore - Utilisation by the transfer of 30 ~~chronic patients~~ inpatients from the Headquarters Hospital, Mangalore - Employment of addl. staff - Sanctioned.

G.O.Ms.No. 3134 Health, dated 7th ~~August~~ Septm., 1950

The Govt. approve the proposal of the S.G. that ~~chronic~~ cases ~~and those like anemia etc.~~ which do not require close attention ~~and~~ but have to remain as inpatients, numbering about 30, may be transfered from the Govt. Headquarters Hospital, Mangalore, to the "Lal Bagh" after the property has been handed over to Govt. by the donor, Sri C.S. Krishnaswami Nayudu.

2. They also sanction -

(1) the employment of the staff mentioned in the margin in "Lal Bagh," to attend on these cases ~~on the usual scales of pay and allowances,~~ temporarily for a period of one year, on the usual scales of pay and allowances, with effect from the date of appointment, and

One C.A.S. (Class II)
Two staff nurses
One compounder
Three nursing orderlies
One Cook.

~~and~~ (2) the incurring of the following expenditure:

Recurring:

	Rs.
Medicines and appliances	3,000
Diet, linen etc.	16,500
	19,500

(Rupees Nineteen thousand five hundred only).

Non-recurring:

Equipment, furniture et	6,700

(Rupees Six thousand seven hundred only).

3. The S.G. is requested to expedite his reply to para 2 ~~and~~ of Govt. Memo.No.5697 H/49-26 dated 27-6-'50.

4. The expenditure ~~should~~ will be ~~debited to the not initially from the proposed 'Contingency Fund' and finally debited to the~~ debited to the relevant sub-heads under '38. Medical'.

The staff mentioned above should be employed only after the buildings have been occupied.

To
The S.G.
" A.G. thro' Fin.
2 s/cs.

28.8.50.

Health Department

SUMMARISING NOTE.

P.161 CF

One Sri C.S. Krishnaswami Naidu, Malabar Fisheries Company, Chaliyam, offered as a gift to Govt. the property at Mangalore known as "Lal Bagh" comprising a two storeyed building with out-houses and 7 acres of land, for the purposes of a hospital. The Govt. accepted the offer and the Surgeon-General was asked to forward proposals for utilising the above property. The S.G. has reported that chronic cases, which do not require close attention may be transferred to 'Lal Bagh'. He has stated that about 30 beds are now occupied by such patients in the Headquarters Hospital, Mangalore and that their removal will relieve the congestion and overcrowding in the H.Q. hospital to some extent.

'63 CF

2. The S.G. proposed the employment of the staff* and the incurring of recurring and non-recurring expenditure of Rs. 19,500 and Rs.6,700 respectively on the purchase of equipments etc., for "Lal Bagh". Of the staff asked for by the S.G, this Department suggested the reduction of the posts of one clerk, one nursing orderly and one peon. The expenditure involved on account of the employment of the rest of the staff is Rs.11,100 per annum. Details of the expenditure are given in the annexure.

P.40 NF

*One C.A.S.(cl.II)
Two staff nurses
One clerk
One compounder
Four Nursing orderlies
One cook
One peon.

P.40 NF

P 41 NF

3. The Finance department have agreed to the need for the employment of the addl.staff and the incurring of the recurring and the non-recurring expenditure for running a hospital at 'Lal Bagh' with 30 beds.

4. The S.G. has been asked to get the necessary

deed executed for the transfer of the building and to send a report in the matter to Govt.

5. The above proposal (~~employment of addl.staff~~ for ~~the~~ utilising ~~of~~ 'Lal Bagh' as a hospital) should ordinarily be ~~treated as a 'New Service' and~~ referred to the Standing Finance Committee and the Cabinet. As this procedure will involve delay and as the building is likely to be taken over shortly, ~~it~~ the approval of H.M.(Health), H.M.(Finance) and H.C.M. has been obtained to follow the short circuit procedure prescribed for extremely emergent schemes for waiving reference to the S.F.C. and the Cabinet and orders are ~~issued~~ being issued separately sanctioning the employment of the addl.staff and the recurring and non-recurring expenditure required for ~~'Lal Bagh' on its~~ the occupation of 'Lal Bagh' by patients transfd. from the H.Q.Hl.Mangalore.

6. The above note is circulated to the other H.Ms who have not seen the case and to the C.S., and Finance department.

SP 28.8.50

29/8/50

29/8/50

28/8/50

ANNEXURE -I

Addl.medical and non-medical staff sanctioned ~~for the Headquarters~~ on the occupation of 'Lal Bagh' Mangalore, by patients transferred from the H.Q.Hl. Mangalore.

One C.A.S. (class II),
Two staff nurses
One compounder
Three Nursing orderlies
One cook.

Annexure II.

Recurring and non-recurring expenditure sanctioned:-

Recurring:

Medicines and appliances	3,000
Diet, linen etc.,	16,500
	19,500

(Rs. Nineteen thousand and five hundred only)

P.T.O.

Non-recurring:

Equipment, furniture etc.,	6,700

(Rs. Six thousand and seven hundred only)

Summarising note
dispd to all Govt
Hqrs, C S I Zni Sept.
SR,
8.9.50.

SR
28.8.50

h
29-8-50

MM
28/8/50

Health Department.

SUMMARISING NOTE.

One Shri C.S. Krishnaswami Naidu of the Malabar Fisheries Company Chaliyam, offered as a gift to Government the property at Mangalore known as "Lal Bagh" comprising a two storeyed building with out-houses and 7 acres of land, for the purposes of a hospital. The Government accepted the offer and the Surgeon-General was asked to forward proposals for utilising the above property. The Surgeon General has reported that cases which do not require close attention may be transferred to 'Lal Bagh'. He has stated that about 30 beds are now occupied by such patients in the Headquarters Hospital, Mangalore and that their removal will relieve the congestion and overcrowding in the Headquarters Hospital to some extent.

2. The Surgeon General proposed the employment of the staff* mentioned on the margin and the incurring of recurring and non-recurring expenditure of Rs.19,500 and Rs.6,700 respectively on the purchase of equipments etc. Of the staff asked for by the Surgeon General, this Department suggested the reduction of the posts of one clerk, one nursing orderly and one peon. The expenditure involved on account of the employment of the rest of the staff is Rs.11,100 per annum. Details of the expenditure are given in the annexures.

* One Civil Assistant Surgeon (Class II)
Two staff nurses
One clerk
One compounder
Four nursing orderlies.
One cook
One peon.

3. The Finance department have agreed to the need for the employment of the additional staff and the incurring of the non-recurring and the recurring expenditure for running a hospital at 'Lal Bagh' with 30 beds.

4. The Surgeon General has been asked to get the necessary deed executed for the transfer of the building and to send a report in the matter to Government.

5. The above proposal for utilising 'Lal Bagh' as a hospital should ordinarily be referred to the Standing Finance Committee and the Cabinet. As this procedure will involve delay and as the building is likely to be taken over shortly, the approval of H.M.(Health), H.M.(Finance) and H.C.M. has been obtained to follow the short circuit procedure prescribed for extremely emergent schemes for waiving reference to the S.F.C. and the Cabinet and orders are being issued separately sanctioning the employment of the additional staff and the incurring of recurring and non-recurring expenditure required for the occupation of 'Lal Bagh' by patients transferred from the Headquarters Hospital, Mangalore.

6. The above note is circulated to the other H.Ms. who have not seen the case and to the C.S., and Finance Department.

T.M.S. Mani,
Secretary to Government.

ANNEXURE - I.

Additional medical and non-medical staff sanctioned on the occupation of 'Lal Bagh' Mangalore, by patients transferred from the Headquarters Hospital, Mangalore.

One Civil Assistant Surgeon (Class II).
Two Staff Nurses.
One Compounder.
Three Nursing Orderlies.
One Cook.

ANNEXURE - II.

Recurring and non-recurring expenditure sanctioned:-

Recurring:

Medicines and appliances	3,000
Diet, linen etc.	16,500
	19,500

(Rupees Nineteen thousand and five hundred only)

Non-recurring:

Equipment, furniture etc.	6,700

(Rupees Six thousand and seven hundred only).

JV.7-9.

Letter No:

Ref. H(1)

Sw. C. S. Krishnaswamy Naidu
226. T. H. Road
Tondiarpet, Washermanpet P.O.
Madras.

Sir,

Sub: Offer of 'Lal Bagh'

I am to enquire whether you will be leaving for Mangalore in the near future and if so when and whether you would find it convenient to meet Shri S. G. ~~who is~~ now camping at Mangalore. I shall be grateful for an intimation which you may be sent

who is
and expected back by Monday morning

27/V

through the person who brings this communication.

Yours faithfully,

G
27.1.49

29.1.49.

Note: On the telegram at A/11 ex, the SG was asked to meet Mr. Naidu only at Madras. But the Gov wants to meet him at Mangalore. It is for Subject to orders, the draft overleaf is for approval

29.1.49

Mr Naidu has informed me that he will be in Madras for a week. The proposed letter will need to be sent express, urgent.

Will be sent by Messenger 29.1.49

G
27.1.49

upon SG telegraphically that Dr Nanda is not likely to be in Nagaland in the immediate future

27/1/49

The draft below is for approval

29.1.49

27/1/49

Draft of Tel from SG

Telegram dated 27-1-49.
The SG. Telegram dated 29-1-49.
The draft below is for approval

31/1/49

30/1/49

Issued as Letter No. no. SG 47 D3/29-IP.II dt 31-1-49

Dy Secretary 31/1/49

This may be circulated to the HM(P.H) in connection with his ensuing tour to Mangalore.

15/2/49

15/2/49

The A.A. to the S. G. told me that the S. G. is proposing the opening of a T.B ward with 25 beds in the "Lalbagh". He will submit a detailed report on this return from New Delhi

16.2.49.

It is understood that the Draft Agreement for

the transfer of "Lalbaugh" is under preparation with the Director ~~this Department~~. In the meanwhile H.M. may like to visit "Lalbaugh" in connection with the proposals for its conversion into a separate T.B. Unit, for which proposals from the S.G. are awaited.

16/2/49

H.M.(P.H.)

The members of the District Advancement Association and some of the members of the Dt. Medical Association met me at Mangalore on the 20th inst. Some of them are against the proposal to use 'Lal Bagh' as a T.B. unit. I would like to discuss this matter with the S.G. after his return from Delhi

24/2

S.G. is expected back from Delhi on 7/3/49. Meanwhile H.M. may perhaps see the papers now added to the current file - Pp 19. 25 cf.

26/2/49

28/2 | H(P.H)

1/3/49

28/2/49

J.S's ordal orders to Asst Secy.

A draft memo to the S.S. is submd. for approval.

8/3/49

1/3

8.3.49. [Issued as Memo no. 5697 D2/49 - 2P.H.d. 9-3-49] pl 1 f.—

26 FEB 1949

JOINT SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPARTMENT

2 - MAR 1949

From the Govt. Solicitor No: 1020 d. 10-3-49
From the S. G. Ref No: 92416-H1 d. 11-3-49
From the Govt. Solicitor No: 1074 d. 12-3-49

The S. G. has furnished an estimate of the expenditure involved in the proposal to house a T. B. Hospital in 'Hill Bagh'. At p4 ante HM. has minuted that he would like to discuss the proposal with the S. G. ~~This may be over-taken as HM has discussed the proposal with the S. G.~~

16/3

16/3/49.

17.3.49

will there be no reduction on account of the transfer of T. B patients from the General Hospital

18/3

The S. G. may be consulted. He may also be asked to consider and report how the proposal stands in relation to the proposal to establish a T. B. Hospital at Nidimetla with the aid of the donation offered by the P.W.F. which is being treated as a part II scheme for 1949-50 - please see note at (2). The draft below is for approval.

21/3/49

14/3

[Illegible] No: 5697 D2/49-3 P.H d. 21-3-49

17.3.49

From the SG. Ref No: 92-416-H1 d. 17-3-49.
From Sri: R. Rangaswami Iyengar d. 16-3-49.

Please see the letter at p39 ante and the orders of J. S. thereon. The

file may be sent to Legal for advice on 'A' at p39 c.f.

28/3/49

Legal u.

25/3/49

P.H.(D2) 5697 D2/49-1
28-3-49.

LEGAL DEPARTMENT

It is stated at A on page 29 c.f. that the disputed land is not included in the property proposed to be given to Government. But from paragraph 2 of the letter at page 39 c.f. it would appear that it is ~~not~~ the same as that referred to at A on page 29 c.f. The apparent discrepancy may kindly be explained.

1-4-49

Ed P&H

D 3948

29/3/49

To P.H.(D2) Legal u. 3948/49-1

1/4/49.

The Govt. Solicitor has taken up with Sri. C.S. Krishnaswamy Naidu the queries raised in legal above - please see page 39 c.f. Sri. C.S.K. Naidu will ~~send a copy of his reply to~~ probably send to Govt. a copy of his reply to the Govt. Solicitor. ~~His reply may~~ be scrutinised. The Govt. Solicitor may however be requested to forward a copy of Sri. Naidu's reply to the Govt. The draft below is submitted for approval.

25962

4/5/49

3/5/49.

3.5.49.

(1) What happened to this file for a month? (2) What delays the completion of draft otherwise?

4/5

-Cf- [Issued as Memo No. 5697 Dev/49 - 5 P.M. d.h 5.49]

Query (1) at pb ante

Submitted that Sri C.S.K. has been regularly sending the Govt. copies of his replies to the Govt. Solicitor and it was expected that as usual he would send to Govt. a copy of his reply to the letter at p12 Cf. And it was proposed that the receipt of this copy might be awaited, as it would eliminate the necessity for the Govt. and the Govt. Solicitor making a reference to the donor, on one and the same point. But after the elapse of some time when the expected communication was not received, ~~the draft at p58 Cf~~ probably the donor has not yet replied to the letter at p12 Cf, the draft at p53 Cf was put up.

this is no reason at all and no such delay should occur again

Query (2) at p bank

The Govt. Solicitor may be asked. The draft below is for approval.

2/ With reference to the communications at p bank the Govt. discussed with the HM (Today) how best Lal Bagh can be used when it is taken over. But he has not yet put up the Govt. proposals in this regard. The Govt can take only formal possession of the property after these proposals are received and approved if necessary by the S.F.C. and the Cabinet. The Govt may therefore be asked to expedite his proposals. The draft/below also is for approval

Z ante p 6 n

p 8 ante (A)

5.5.49

9/5

[Letter No: 5697 D2/29-6 P.A d. 10-5-29] p 57 cf
[Memo No. " P.H d. 10-5-29] p 59 cf
From the Govt. Solicitor No. 1896 d. 7-5-29 p 61 cf
From the SG. D.O. 92416-H1/28 d. 6-5-29 p 63 cf

The letter from the Govt. Solicitor at p 61 cf. may be perused. The communication promised by him may be awaited till 25.5.29.

2/. The SG's letter at p 63 cf. may be perused. His reply to the memo at p 59 cf. may be awaited till 25.5.29.

12/5/29

11/5/29 From the S.G. Mysore No. 92416-H1 d. 12.5-29 — p 67 cf
From the Govt. Solicitor No. 1926 d. 13.5-29 — p 69 cf
11.5.29.

S.G's letter at pp 67-68 cf. may be perused. His proposals in the matter may be awaited till 1-6-29.

2/. Govt. Solicitor's letter at pp 69-70 cf may be perused. The communication promised at p 61 cf. may be awaited till 1-6-29

15/5/29

17/5/29 Id. M may like to see. Perhaps the parties who obtained the donation from Sri Naidu should be informed of the position and asked to help Sri Naidu to straighten out the position

17.5.29.

18/5

From the SG. D.O. No: 92416-H1 d. 17.5.29. p 71 cf
From Sri. C. S. K. Naidu dated 12-5-29 p 7 cf
From the SG. Mysore No. 92416-H1 d. 23.5.29. p 77 cf

With reference to the note of I.S. at p8 ante it is submitted that there are two points which have to be settled in regard to the property offered as gift, namely

(1) whether Sri. C. S. K. Naidu is competent to execute the deed of gift, and

(2) Whether Sri. C. S. K. can establish his title to 'that part of Mahabaghi' which is under dispute

(1) above Sri. C. S. K. has since forwarded to the Govt. Solicitor the records required to prove his competency to execute the deed of gift - Please see letter at p73 ante since added to the current file. Perhaps the Govt. may await the results of an examination of these records by the Govt. Solicitor before proceeding to ask Sri. C. S. K's. friends to help him to straighten out this matter.

(2) above The dispute is pending in a court. The decision of the court has necessarily to be awaited.

2. With regard to the proposals for the utilisation of 'Mahabaghi' the S.G's letters at pp 31-32 ante 67-68, 75 & 77-78 ante may be perused. The tolerance of the S.G's proposals is due to the scheme for establishing a T.B. Hospital Sanatorium at Madichetti with the aid

of the donation offered by the P.W.P. should also be progressed, the scheme for establishing a ~~hospital~~ T.B. Hospital at 'Lal Bagh' the property gifted by Sri. C. S. Krishnaswamy Naidu should also be finalised. The idea seems to be that as soon as the Govt. can take ~~take~~ possession of 'Lal Bagh' they should establish a T.B. Hospital there as an interim measure and examine if till the Kundiketti scheme is commenced when 'Lal Bagh' can be put to some other use. It is for consideration whether the scheme for establishing a T.B. Hospital at 'Lal Bagh' should be examined on this basis or whether in view of the Kundiketti scheme, any other scheme for utilizing 'Lal Bagh' should be worked out in consultation with the ... the S.G. The H.M. (Edn) has discussed the subject in matter et ... with the S.G. The orders of H.H. may be taken in the matter. phone

(Revision

27/5

27/5/49

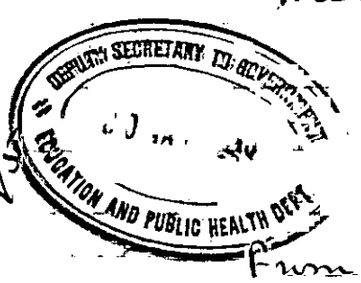
27.5.49.

H.H. discussed this matter with the S.G. on 27.5.49. The S.G. said that he is getting the usual demands and that the Govt. may take over that portion over which there

is no dispute and there / we will submit a report re. the use to which the buildings etc can be put. The S.G proposes to visit the place and consult the D.H.O. He S.G will be asked to expedite the matter.

28/5/45.

30/5 H.C. Ellis



From the S.G. letter No. 92 A16 - H/48 d. 30-5-45

For facility of reference a brief resume of the case is given below:

A/1 cf

In 1948 Sri. C.S. Krishnaswamy offered as a gift to Govt. his property at Bangalore known as 'Lal Bagh' for housing a hospital. This department

A/3 NF

proposed to accept the offer unconditionally but at the instance of Govt. who advised that till after the Govt. had approved the additional

A/8 NF

commitment in accepting the offer, the offer should be accepted only provisionally. They also asked the S.G to forward detailed

A/7 cf

proposals for utilising in the best possible manner the property offered as gift.

2/ The present stage of the matter is as follows: -

pp 6 & 7 cf

The Govt. Solicitor is preparing a draft deed of gift for execution by Sri. C.S.K.

7 cf

but Sri. C.S.K. has yet to prove to the Satis-

fraction of the Govt. Solicitor his competency to execute the deed. A dispute about a portion of 'Kal Bagh' pending in the High court has come to the notice of the Govt. The decision of the court has necessarily to be awaited in the matter. Pending the decision of the court, the S.G. has proposed that the collector of South Kanara should be asked to sub-divide 'Kal Bagh' and separate the undisputed portion from the disputed portion so that Sri. E.S.K. can be asked to execute the deed of gift in respect of the undisputed portion and the Govt. can take the possession of that portion. There seems to be no objection to the proposal, but even if Sri. E.S.K. Naidu can prove his compliance to execute the deed of gift in respect of the undisputed portion, the actual execution of the deed and the formal taking over of the property by the Govt. must wait till after the commitment to Govt. in owning the property is approved if necessary by the S.F.C. and the Cabinet. But the S.G. has not yet forwarded complete proposals in the matter. The S.G. may therefore be informed

1) that he should expedite his final proposals for utilising 'Kal Bagh' in the best possible manner.

2) that he may get the undisputed portion of 'Kal Bagh' separated from the disputed portion but that actual execution

para 4

para 5

4
8/8
11/6/65

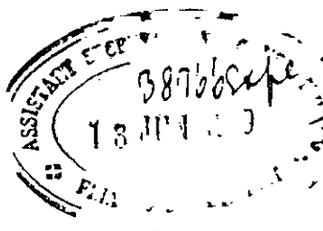
4

for advise
4
8/8

11/6/65

of the deed of gift must wait till after his proposals for utilizing 'Lal Bagh' have been received, examined and approved by the Govt. after following the appropriate financial procedure. Fin. may see for very early, if any, before the SG is informed as above.

11/6/49



9/6 Gen.

7.6.49

11/6/49

Fin (Exp.)

Please see the underlining note from the middle of p 11 above.

This dept may agree to the proposal of E&P.H. at M. exp. 12-13 above, and may also concur in his view of this dept at A on p 12 above.

17.6.49

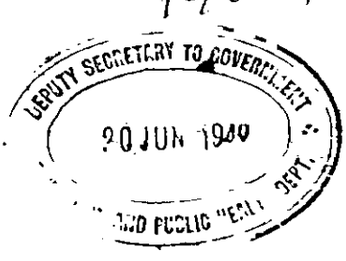
E&P.H

17/6 Gen

EPA

H.M.(Agriculture) was concerned at the delay in finalising the transfer of this property. It is to be feared that the delay may occasion loss of the gift. I find that the partition deed required by the Government Solicitor has already been sent to him by Mr. Naidu on 12th May, but the Government Solicitor has not so far drawn up the deed or informed us that it cannot be done. An immediate reminder should issue to the Government Solicitor.

19.6.49



46929

The Surgeon General should also be reminded again for

his proposals. Whether these are received or not we should finalise the transfer by asking Finance to agree to the same as further delay may loose the offer. | A

The file should be put up to me in any case after a fortnight. | B

25/6

Secretary's orders above.

A draft memo is submitted for approval. After issue, the case may be sent to finance with reference to A above.

27/6/49

27.6.49.

7-1-49

Jm (with)

(1)

[illegible] | [illegible]

From the Govt. Solicitors dtd 23.4.49 & 28-6-49 | [illegible]

[illegible] Govt. Solicitors letter at [illegible] may be perused. It appears repudiated that at any rate Nagi gifts executed by Sri. C.S.K. Naidu in respect of Bhai Nagi will be good only to the extent of 2/5 shares in the property and Govt. accept the same they run the risk of the transaction being repudiated by persons entitled to 3/5 shares of the property. In the circumstances it is for consideration whether the Govt. will proceed to accept the offer finally legal and financial may be examined.

30/6/49

30/6/49.

30/6/49

5

In view of the report of the Govt Solicitor the Govt need not proceed with this matter until the ownership of the property is settled finally by the parties concerned

4/7/49 S

We should inform the sponsors of the proposals, of their names are known, of the position, so that they may make take any action that is possible. N.N (Agr) may know the names of the sponsors

N.N (Agr) 2/7

A letter may be addressed to Sri. Naidu requesting him to get the consent of his sons in favour of the offer made by him to the Govt.

MG 5/7

The draft below is for approval

6/7/49

6.7.49.

SECRETARIAT, FORT ST. GEORGE
6 JUL 1949
GOVERNMENT OF MADRAS

6/7/49

8

Legal may please see (PH)?

Perhaps Mr Naidu cannot alienate the shares of his minor sons, even with their consent, except with permission of court 7/7 Legal

ASSISTANT SECRETARY
8674
8 JUL 1949
3.45 PM
LEGAL DEPARTMENT

LEGAL DEPARTMENT.

The Government Solicitor has taken the view that the gift will be valid in so far as it relates to 2/5th of the property, that is, the shares of Messrs. Krishnaswamy Naidu and Babu Naidu, provided the latter gives his consent. But a coparcener cannot dispose of his undivided interest by gift, though the consent of the other coparceners will validate it. In this case, however, (two of) the other 3 coparceners being minors, the father cannot consent on their behalf. It is, therefore, doubtful whether, as stated by the Government Solicitor, the gift will be valid even as regards the 2/5th of the property.

12.7.49 S&PH

Legal no 8674-1 12-7-49

Ed.P.H(D2)

From Sri. P.R. Ranganatha Panja d. 8-7-49 - p.c.f

[Memo no: S697 D2/49-1 P.H d. 11-7-49]

The note of Legal advice may be perused. The Govt. Solicitor's reply to the memo. at p.8 of may be awaited. The point mentioned in para 4 at pp 86-87 of may be dealt with after the Govt. Solicitor's reply has been received and the point about the validity of the gift has been finally settled.

ASSTT. SECRETARY TO GOVERNMENT :: EDUCATION AND PUBLIC HEALTH DEPT. :: 12 JUL 1949

53147

In view of the letter since received from Sri P.R.R. Panja and the Legal Dept's views above, the draft letter below need not issue.

12.7.49

12/7/49

From the Govt. Solicitor No. 25587 d. 15-7-49.

The letter from the Govt. Solicitor at pp91-92 cr. may be perused. It is for consideration whether in the circumstances detailed by the Solicitor, the Govt. may proceed to accept the transfer of the property. Perhaps the advice of Legal may be taken in the matter.

27/7/49.

19/7/49

I think we may with take the risk and see what happens if any one puts up a party to the land (The minor may argue that he wants a particular piece and not the one left undivided. But I suppose this will not carry much weight)

29/7

Legal.

Liaison

P. Secy. S697 D2/49-12
20-7-49.

ASSISTANT SECRETARY 9258 20 JUL 1949 LEGAL DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT 49096 26 JUL 1949 FINANCE DEPARTMENT

Legal W0 9258/49
26/7/49

LEGAL DEPARTMENT.

It is a question of fact whether the property proposed to be gifted is self-acquired. If it is joint family property, the legal position is as already stated in the note of this department at p16 ante, that is, the minor can repudiate the transaction on attaining majority to the extent of his share at that time. In the circumstances, whether the Government may accept the gift subject to the risk of possible litigation, is a matter of policy. As regards the question whether the minor can require a particular part of the property to be allotted to him, where such allotment is not possible or equitable or will result in substantial injustice, the Court may not decree the allotment of the share required by him. However, this is a matter for the Court to decide.

26.7.49. Finance

(Previous Finance note on p.13 above).

In G.O.No.209, P.H., dated 24-1-1949, the Government accepted the offer of Sri C.S.Krishnaswamy Naidu to give as a free gift to Government his property at Mangalore known as 'Lal Bagh'. The main conditions subject to which the offer was accepted were (1) that the property would be used for hospital purposes only and if it ceased to be so used, it would be returned to the donor and (ii) that Government would decide the manner in which the building could be utilised only after the report called for from the Surgeon-General in the matter was received.

In connection with the preparation of the deed of gift, it has come to notice that the Government will have to face the risk of litigation in regard to 1/5th of the property to be gifted to Government as the donor's eldest son has got a minor son aged 2 years and that this risk will last for another 19 years. E & P.H. Joint Secretary has noted that the Government may take the risk and see that buildings are not put up on 1/5th part of the land. He considers that if the minor argues that he wants a particular part and not the one left unbuilt on, the argument will not carry much weight. As regards the question whether the minor can require a particular part of the property to be allotted to him, Legal have noted that where such allotment is not possible or equitable or will result in substantial injustice, the Court may not decree the allotment of the share required by him, but that it is a matter for the Court to decide. As regards acceptance of the gift, Legal have stated that it is a question of fact whether the property proposed to be gifted is self-acquired by the donor and that if it is joint family property, the minor can repudiate the transaction on attaining majority to the extent of his share at that time. They have therefore stated that whether the Govt may accept the gift subject to the risk of possible litigation is a matter of policy.

The property consists of a substantial building with 5 out houses surrounded by some fruit growing trees, the extent of the whole area being about 7 acres.

Finance need not object to the gift being accepted. E & P.H. may let H.M.(Fin.) see the case.

(Previously E & P.H. proposed that the actual execution of the deed and the formal taking over of the property by the Government might wait till after ~~the expenditure to Government in using the property was approved, if necessary~~ the proposals for utilising the property were approved by the Government).

ky

~~by the S.R.C. and the Cabinet~~. The intention of E & P.H. now apparent ly is to finalise the transfer of the property ~~irrespective~~ inadvance of the receipt of proposals ~~which are awaited~~ from the Surgeon-General for the utilisation of the property - cf top of p.14 and p.17 above.)

1.8.49 Ministry of Health

E&P.H.

1.8.49
28/49
E&P.H.

E&P.H(D2)

p93 of 49096 Exp/c-1

From Sri. E.S. Krishnaswamy Naidu d. 25-7-49.
From Sri. P.R.R Punja dated 2-8-49.

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT.
59118
8- AUG 1949

Please see the note from p17 ante Legal say it is question of fact whether 'Lal Bagh' is a joint family property or the self-acquired property of Sri. E.S. Krishnaswami Naidu. At p91 cf. the Asst. Solicitor maintains his position that all the living sons of Sri. E.S.K. three in number, the eldest major son and the minor have interests in the property. On the other hand the Sri. E.S.K. and Sri. P.R.R.Punja maintain that 'Lal Bagh' is the self acquired property of the donor. Before the matter is further examined, it seems necessary to mention here that the statement of Sri. P.R.R. Punja in para 1 of his letter d. 8-7-49 that the gift of 'Lal Bagh' is to commemorate "the memory of his deceased son E.K. Sundaraj, a boy aged fourteen years" is not correct. Sri. E.K. Sundaraj aged 14 years is living - Please see p41 cf. It was Kandaswamy aged 16

who died. This incorrect statement has led the Govt. Solicitor to suppose that that Sri. E.S.K. has only three living sons who have an interest in the property. If the property is a joint family property as is supposed by the Solicitor then the following persons should be considered to have an interest in the property:-

Sri. E.S. Krishnaswami Naidu - Donor

E.K. Babu Naidu	-	27 years.)
E.K. Venkataramana	..	20 .. (
E.K. Rajaram	..	17 ..
E.K. Sunderaj	..	14 ..
E.K. Babu Naidu's son		2 ..

Sri. E.K. Babu Naidu has expressed himself in favour of the gift: Sri E.K Venkataramana Naid is not expected to agree. E.K. Rajaram M E.K. Sunderaj and Babu Naidu's ~~Sons~~ Son are minors. If the Govt. accept the deed transfer of the property there is the risk of it being repudiated by the donee from mentioned prior to the extent of their share of the property. In the circumstances it is for consideration whether the Govt. should accept this risk and proceed further in the matter or whether they should accept the statement of Sri. E.S.K. that the property is his self-acquired property and effect the transfer of the property

Sri. may see again

6/8/49.

5/8/49.

Legal memo as in 697-984

9/8

Legal

Krishna

P. Genl. 5697/Dz/49-13

9-8-49

ASSISTANT SECRETARY
10161
10 AUG 1949
LEGAL DEPARTMENT

LEGAL DEPARTMENT.

This department has nothing to add to its notes at pp.16&17.

12.8.49

Finance

Legislative
10161/Spl
11/8/49

ASSISTANT SECRETARY TO GOVERNMENT
53093
16 AUG 1949
FINANCE DEPARTMENT

Fin (Exp C)

(Pre. Fin. note on pp 18-19 above)

Please see the notes following. This deptt may adhere to the view at X on p 18 above.

22.8.49

22.8.49

LY-8-H.

EFH

Edn. and P.H.(D2) Deptt.

Legislative
53093 Spl-I
22 8 49

ASST. SECRETARY TO GOVERNMENT
64196
23 AUG 1949
EDUCATION AND PUBLIC HEALTH

Note at page 1 (A)

A/1 nc

A/ nc

A/ nc

A/7 nc

Summary.

In 1948, Sri C.S.Krishnaswamy Naidu, offered as a gift to Government his property at Mangalore known as 'Lal Bagh' comprising a two storeyed building with out-houses and 7 acres of land for housing a hospital subject to the condition that if the property ceased to be used for hospital purposes, it should be returned to him immediately. This department proposed to accept the offer straightaway but at the instance of Finance, who advised that till after the commitment to Government in accepting the offer had been approved, the offer should be accepted only provisionally, they accepted the offer provisionally They asked the Surgeon-General to forward proposals for utilising, in the best possible manner, the property offered as gift and the Government Solicitor to prepare draft transfer deed .

....

When the object of preparing a transfer deed, the Government Solicitor began studying the records relating to the property, it transpired that a strip of land forming part of the property was the subject of litigation in the High Court and that the property as a whole was the joint family property of Sri C.S.Krishnaswamy Naidu and his four sons, the eldest of whom was in favour of the gift, the second was apparently not and the third and the fourth were minors and that if the Government accepted the transfer of the property they ran the risk of the transactions being repudiated by persons entitled to three-fifths share of the property. At this stage Sri P.R.R.Punja, a gentleman of Mangalore who sponsored the offer of Sri C.S.K. Naidu wrote to the Government that one of the sons, Sri C.S.K.Sundara Raj was no more that the property which was purchased in the name of Sri C.S.K's eldest son was really the self-acquired property of Sri C.S.K.Naidu and that the Government need not therefore have any difficulty in accepting this transfer. The Government Solicitor who was apprised of this position, however considered that all the living sons of Sri C.S.K. Naidu, and the eldest's minor son aged 2, had an interest in the property and that if the Government accepted the transfer of the property (excluding of course the portion in dispute) they ran the risk, though not to the extent originally expected, of the transaction being repudiated by the minor grand-son of Sri C.S.K.Naidu (entitled to one-fifth share of the property) on his attaining the age of majority. Addl. Secy. noted that the Government might take the risk and see that buildings were not put up on one-fifth part of the land and that if the minor after attaining the age of majority argued that he wanted a particular part and not the one left unbuilt, that argument might not carry much weight. Legal noted as follows:

"It is a question of fact whether the property proposed to be gifted is self-acquired. If it is joint family property,,....., the minor can repudiate the

transaction on attaining majority to the extent of his share at that time. In the circumstances, whether the Government may accept the gift subject to the risk of possible litigation, is a matter of policy. As regards the question whether the minor can require a particular part of the property to be allotted to him, where such allotment is not possible or equitable or will result in substantial injustice, the Court may not decree the allotment of the share required by him. However, this is a matter for the Court to decide."

Finance stated that they had no objection to the gift being accepted. They had also no objection to the transfer being effected even before the receipt of proposals for utilising the property. Meanwhile Sri C.S.K.Naidu wrote to the Government that if they could not accept the claim that the ~~family~~ property was not ~~the~~ joint-family property he would have no other alternative but to withdraw his offer. Proceeding to examine the matter closely it was noticed that the son of Sri C.S.K.Naidu who died was Kothandaraman, aged 16 and not Sundararaj aged 14 as mentioned by Sri P.R.R.Punja and that this incorrect statement had led the Government Solicitor to suppose that Sri C.S.K. had only three living sons who had an interest in the property. Should the property be considered as a joint-family property as the Government Solicitor is disposed to, the following persons would appear to have an interest in it:

Sri C.S.K.Naidu - Donor
Sri C.K.Babu Naidu - 27 years (in favour of gift)
Sri C.K.Venkataraman - 20 years (not known)
Sri C.K.Rajaram - 17 years (minor)
Sri C.K.Sundararaj - 14 years (minor)
Sri C.K.Babu Naidu's son - 2 years (minor)

~~and~~ Should the Government accept its transfer there would be risk of it being repudiated by the last mentioned four to the extent of their share of the property. But in spite of this increased risk Finance have stuck to their earlier

view that the offer may be accepted.

The file may be circulated for orders whether in the circumstances, further action may be taken to accept the transfer of that portion of the property which is not in dispute and to finalise a scheme for putting the property to the best possible use.

Addl Secy

H M (P H) may prefer to let H. M. (Estm & Laws) see first as a legal risk is involved. After he has seen, the file can go to HM (P H) again

H. M (P H) ✓

H. M (Estm & Laws) ✓

H. M (P H) again ✓

H. M Estm ✓

H. Pr ✓

Note page 2 quite rely

There is risk involved. If we are prepared to take the risk, I have no objection. The risk is considerable. I would suggest we get the opinion of Mr S. P. Kamara as to title. Then proceed

I agree with HM (Estm). The opinion of S. P. Kamara may be obtained.

With reference to the orders in circulation at p 2 ante, a draft memo. to the Collector of S. Kanara is submitted for approval. Home and Legal may see for acceptance

27 Sept. Addl Secy.

2 Sec. 26/9/49

I am not sure whether under the usual practice the Govt. G.P. S. Kanara or the G.P. for the Province at Madras should be consulted but as Hd Law has suggested the former and Sec Hd has agreed, the draft may issue

27/9

Home
Legal

Home Dept.

This file relates to the acceptance of the gift offered by Sri. C. S. Krishnaswamy Naidu of his property at Mangalore known as 'Lal Bagh', subject to the condition that if the property ceased to be used for hospital purposes it should be returned to him. The summarising note on pp. 21-24 ante sets out the case in detail. The orders in circulation on p. 24 ante may be perused. The case has been sent to this Dept. regarding consultation of the G.P., South Kanara in the matter.

p. 1. y of (A)

p. X above

Sec. not put up)

R. The Govt. Solicitor, Madras prepares and revises tenders, conveyances, leases, etc. for the several Depts. of the Govt.; scrutinises applications for permission to register companies with limited liability under the Indian Companies Act, 1913 and when required, draws up plaints and written statements in the civil suits in which the Govt. are concerned.

Apparently with reference to this provision, the Govt. Solicitor has been scrutinizing the title and mortgage deeds etc. whether they relate to the city or to the mofussal. The G.Ps in the mofussal are usually appointed for each Sessions division. They conduct all the miscellaneous legal business of the State. /A

3. With reference to the note of Addl. Secy, E and P.H. at x on p. 25 ante, it is submitted that it is not one of the duties of the G.P., Madras to scrutinize the title deeds, etc and the Govt. Solr., Madras is alone concerned with the matter. It will also be seen that the Govt. Solr., Madras had already scrutinized the records, etc relating to the property "Lal Bagh" already. In view of the orders in circulation on p. 24 ante and of the preliminary A above, there seems to be no objection to consulting the G.P., South Kanara in the matter. /Draft

4. The draft Memo may be perused and the case passed on to Legal.

13.10.49. Submitting for orders in Legal.

Legal Dept Memo No. 94908-F/49-1 15/X.

Secn Legal 17.10.

E & PH

ASSISTANT SECRETARY 13271 17 OCT 1949 LEGAL DEPARTMENT

Legal Memo 13271/49-1 17-10-49.

E dp. 44 (9)

The draft memo. below, the notes of Home and Legal at pp 25-26 only and the further correspondence at pp 99-104 ff may be perused. Sqn. C. S K. has written to say that he has withdrawn the offer and has asked that the records relating to the property may be returned to him. He is probably not aware of the difficulties facing the Govt. in accepting his offer. Perhaps if these are explained to him he would not mind waiting for a while till a reply to the proposed reference to the Govt. Pleader S. Kanara is received when the HH's can take a decision about his offer. It is for consideration whether this may be done. HH (P. H) may see. HH (Agr) may also see with reference to his minutes at p 99 ff.

Asst Secy.
26/10/48

26/10/48
MM
2 brings

It will be seen from the note at pp 21-24 and H. M. (Laws) minute at page 24 that considerable risk is involved in accepting the offer, even if it remained open. As the offeror has withdrawn the offer, I suggest that the matter may be closed and his papers returned to him.

H 26/10/48

HH (P. H) I agree with the note of Asst Secy above. The matter should be closed. It has been pending
HH. (Agr) for a long time.
H. M. (Laws) 28/10
HH (Fin)
HPr.

29/26/X

Govt. should not give up such a valuable offer of land and building without exploring further whether there is really a risk in accepting this gift. The letter of Sri P.R.R.Punja, Advocate, Mangalore, makes it appear that there can be no such risk of litigation in this transaction. Sri.C.S.Krishnaswamy Naidu must have naturally got anhoyed at the very long delay in accepting his generous gift and the legal difficulties raised about the matter in spite of his assurances that it is his self-acquired property and that his eldest son in whose name the property stands and he himself would sign the deed of gift. The Headquarters hospital at Mangalore stands next to Ellore in the list of district headquarters hospitals to be taken up for reconstruction. If Govt. are able to secure Mr.Naidu's gift, it will reduce to a great extent the cost of extension to the headquarters hospital at Mangalore. Sri P.R.R.Punja's letter and the connected papers may be referred to the Govt. Pleader, South Kanara, and Sri Naidu may be requested to wait for some time longer till the opinion of the Govt. Pleader is obtained. The circumstances which have led to such delay in dealing with this matter may also be explained to him.

A

X

1/11

Hon (Law

Hri (In-

Hr

The Suggestion of Hon-(Rtn) may be followed Let us not give up the offer in a huff. I am sorry orders passed in circulation on 6/9 have not been given effect to by this usual Secretarial Technique of Shuttlecocking the file. I have seen hundreds of cases being referred to the Local G.P's & this is not the first instance Refer to the G.P. S.K as ordered in Circulation after obtaining his advice draft for Minister to fly Naidu as suggested above

RM

3/11

Proceed
3-11-49

Take action as now D'raft. To go out today.
Address Sri Naidu as at 'X' in the Agriculture note.
Stop further O/s. It will be enough if H.H. (P.H) sees
after issue. I will explain to him.

H.D. 3/11/49.

8/11.

A.S.I.

The o/s on the Coll., S. Kanara, has issued.
A draft letter to Sri Naidu is submitted for approval.

Other H.H. Sir and the need not be troubled now
H.D.

3.11.49

4-11-49.

H.D. 4/11

p 11 c/f

H.H.(P.H) (A-i) [Issued as Lr. No. 5693 dated 4-11-49 P.H &. 4-11-49]

6/11

p 117 c/f From the Coll. of S. Kanara, Ref B.H-24606/49 & 21-12-49

Please see the o/m. on pp 105-107 c/f. and the opinion of the Govt. Pleader, S. Kanara, on pp 119-121 c/f.

p 120 c/f The Govt. Pleader has quoted certain decisions summarising the law on the point which lays down that if it is shown that the only joint family property existing at the date of the acquisition of another property, was of such a nature that it could not have possibly been the means of acquiring the property referred to then the presumption that the acquired property is joint family property does not arise. In view of this decision, he is of the opinion that there is no likelihood of the Court coming to the conclusion that the large properties acquired by Sri C.K. Krishnaswamy Naidu are the outcome of the paltry sum of Rs. 4,500/- he got as his share of from the joint family funds. He therefore recommends that the Govt. may safely accept the

p 120 c/f

gift offered by Sri C.S. Krishnaswami

2. Legal may be requested to say whether this view may be accepted.

3. With reference to para 2 of the collr's letter at p. 117 of a draft am is submitted for approval. After issue the file may be sent to Legal sec

MM 28/12/49

Issue the memo & put up again

29/12

Issued and resubmitted.

MM 30/12/49

The case may be sent to Legal for their opinion of the view taken by the Govt. Pleader that Deptt may be requested to deal with the case expeditiously.

4/1/50

4/1/50

Addl Secy

Legal 5/1

Legal

Legal Department P. Dis. 5697 H/49-1

5-1-50.

This Department agrees with the view of the Government Pleader, Mangalore, at pages 119-120 c.f. that the Government can accept the gift in question.

6/AM

ASSISTANT SECRETARY 216 6 JAN 1950 LEGAL DEPARTMENT

The partition deed dated 18-12-1923 made by Sri C.S. Krishnaswami Naidu with his brothers clearly says that he got property valued only at Rs.4,500/- out of Rs.14,000/- worth of properties left by their father. That partition deed also by implication recognises the existence of separate property as it makes specific mention of the fact that property earned individually would belong to them individually. In A.I.R.1930 Madras (662) it is laid down that,

Mention the English translation of the deed in the O.M.

if having regard to the nature of the income from the admitted joint family property or otherwise the sum could not have possibly helped in, or led to the acquisition of, the subsequent property then there is no presumption that the subsequent property is joint family property. This case is relied on by Beaumont C.J. in the decision reported in A.I.R.1937 Bombay 446. In Applasami vs. Suryanarayana Murthy (1947) II M.L.J.138 (P.C) Sir John Beaumont J. delivering the judgment of the Privy Council has pointed out that the proof of the existence of a joint family does not lead to the presumption that property held by any member of the family is joint. The Madras High Court has also held that a son does not take any interest by birth in the self-acquisition of his father (40. M.L.J.481, Full Bench).

It is evident that Sri C.S.Krishnaswami Naidu has by his own exertions acquired the properties which he proposed to give away as gift to the Government. The paltry sum of Rs.4,500/- which he got under the partition deed could not by any stretch of imagination give rise to the presumption that the purchase money for Lal Bagh was derived wholly or even in considerable part from that sum. The properties known as Lal Bagh are no doubt in the name of Sri C.K.Babu Naidu, but he has in his letter at page 43 c.f. categorically stated that his father Sri C.S.Krishnaswami Naidu has full authority to dispose of the properties which were purchased out of the earnings of Sri C.S.Krishnaswami Naidu. He has also stated that he has no objection to join his father and execute the deed. It could therefore be shown that Sri C.S. Krishnaswami Naidu purchased the property out of his own earnings unassisted by any income from the ancestral properties and in the light of admitted facts the purchase in the name of his son is to be regarded as a benami transaction by which the beneficial interest in the property is in the father although the ostensible title is in the son Sri C.K. Babu Naidu. (See page 284 of N.R.Raghavachari's Hindu Law.).

As Sri C.K.Babu Naidu also is willing to join in the execution of the gift there is no difficulty on that account.

The gift may therefore be accepted by the Government.

E & P II

Legal u.o.no 216/50-1
12-1-50

In 1948 Sri C.S.Krishnaswamy Naidu offered as a gift to Government his property at Mangalore known as ' Lal Bagh' comprising a two storeyed building with out-houses and 7 acres of land for the purpose of a hospital subject to the condition that if the property ceased to be so used it should be returned to him immediately. The Govt. accepted the offer provisionally and asked the S.G, to forward proposals for utilising the property in the best possible manner, and the Govt. Solicitor to prepare a draft transfer deed. When with the object of preparing a transfer deed the Govt.solicitor studied the records relating to the property he came to the conclusion that the property was the joint family property of Sri Krishnaswamy Naidu and of his four sons and that if the Govt. accepted the transfer of the property they ran the risk of the transaction being repudiated by his sons. He also reported that a strip of land forming part of the property was the subject of litigation in the High Court. In view of the considerable risk which appeared to be involved in accepting the gift orders were taken in circulation on the point whether excluding the portion in dispute the Government may accept the transfer of the rest of the property. And it was ordered in circulation that before proceeding further in the matter, the Govt.Pleader , South Kanara, should be consulted as regards title. The Govt.Pleader, South Kanara, has accordingly been consulted and his opinion is at pp 119-121 cf. He considers that the title could not

ASST. SECRETARY TO GOVERNMENT
3736
16 JAN 1950
EDUCATION AND PUBLIC HEALTH DEPT.

N cf A/1 cf

A/1 MF

A/7 cf

A/7 cf

p 8 s cf

p 7 o cf

p 2 n and

p 2 n and

be doubted and that in no way could the property be declared as joint-family property. He has therefore no difficulty in recommending to the Government the acceptance of the gift of the property. The Legal Dept: also agree with the G.P. that the Govt. may safely accept the transfer of the property. The file may be circulated for orders whether the transfer of the property excluding ~~of course~~ the portion in dispute may be accepted, and further action taken to finalise a scheme for its utilisation. (Previous minutes of Hrs. are in pp 24, 27-2 ante)

23/1/50

23/1/50.
mm
26/1/50

Addl Secy.

I must point out that although acceptance is supported by legal opinion, the risk of somebody or other filing a suit impleading Govt will always be there, No doubt Govt may have a good chance of success but this does not do away with the risk. Whether the risk is to be faced or not is one of policy but I venture to suggest, as I did at p/17 ante. that the risk may be faced. Hrs will no doubt like to have Advt. Genl's opinion first.

23/1/50.

Agree
KM

ADDITIONAL SECRETARY TO GOVERNMENT
7 FEB 1950
EDUCATION AND PUBLIC HEALTH DEPARTMENT

HM(P.H) 24/1

HM (Law) On View of the Considered opinion of the A.G. & S.K. which has been concurred by Legal we may accept the gift. And this may be done without further delay

HM (P.H) (again)

HM (Fin)

HM (Agr) 4/2

HPV 4/2

25/1

26/1

4/2

With reference to the orders in circulation at p33 ante, a draft memo. is submitted for approval.

8/2/50
mm
8250

92
50

9/2/50

Issued Memo No. 5697-H/49-20 dated 9-2-50.

From the S.G., Ref.No.100408 A1/50-3 dated 30-3-50.

--

With reference to para 1 of the memo at page 127 c.f. please see the letters from the Govt. Solicitor, Madras and the Collector of S.Kanara, Mangalore at pp.129 and 139 c.f. respy. The Collector's further report is awaited.

139/6

2. As regards para 2 of the memo, the S.G. has suggested the transfer of chronic cases and those like anaemia etc., which do not require close attention and have to remain as inpatients, to 'Lal Bagh'. He stated that about 30 beds are now occupied by such patients and the removal of them will relieve the congestion and overcrowding in the Hospitals to some extent. He also stated that it is not possible to transfer any other departments from the Headquarters Hospital or to house a Women and Children Hospital in 'Lal Bagh' for the reasons given by the D.M.O. at 'x' at pp.141-142 c.f. The S.G's suggestion may be accepted.

The S.G. is preparing a statement of the extra cost - recurring and non-recurring - involved in his proposal re: transfer of patients to 'Lal Bagh' and he has stated that he will be sending it to Govt. shortly. This may be awaited and action taken in due course.

To be considered on receipt of S. G's further report as per 'B' below.

B
6/4/50

5R
4.4.50
mm
4450

6/4/50

6/4/50

From the Collector of South Kanara, Ref.C.No.3673 /5(
dated 27-5-50.

--

With reference to para 1(1) of the Memo at page 127 c.f. the Collector of South Kanara has taken the necessary action and it is now for the Govt. Solicitor to complete the preparation of the draft transfer deed and arrange for its early execution, as ~~desired by Govt.~~ ordered in para 1(2) of the Mem

2. The Govt. Solicitor may be reminded after three weeks whether the preparation of the draft transfer deed has been completed and the deed executed. This case may lie over ~~say~~ till 25.6.50.

SR
5.6.50.
mm
5650

6/6/50.

P. 153 of

From the Govt. Solicitor, Madras, No.3625 dated 7th June 1950.

--

Please see the notes above. The Govt. Solicitor has subd. a draft deed of gift to Govt. and he states that it may be executed and registered by the donor in favour of Government. It is for orders whether the S.G. may be asked to send the draft deed of gift to the D.M.O. South Kanara and have it executed by the Donor in consultation with the Govt. Pleader there. Subject to orders the draft memo to the S.G. is for approval. Legal may see for acceptance.

pp 155-160 of

S/ SC

ASSISTANT SECRETARY
9074
13 JUN 1950
LEGAL DEPARTMENT

Health Dept. U.O.
5697 H/49-25
12-6-50

SR
9.6.50.

Legal

Legal Department.

The formal alterations indicated in red ink on the draft gift deed may be made.

MM/26/6/50

Health

Legal U.O. 9074/50-1
24-6-50

ASSISTANT SECRETARY
26 JUN 1950
HEALTH DEPARTMENT

19233

Health (H2) Dept.

The alterations indicated in red ink on the draft gift deed may be accepted. The draft memo below may now be issued.

SR
27.6.50
MM
27/6/50

27/6

Issued Memo No. 5697 H/49-26 dated 27-6-50, to the S.G.

From the S.G., Ref.No.14138 A2/50-5 dated 28-6-50.

This file relates to the offer as a gift to Govt. of the property at Mangalore of Sri C.S. Krishnaswami Naidu, known as 'Lal Bagh' (property worth about Rs.2 lakhs) comprising a two storeyed building with out-houses and 7 acres of land, for the purpose of a hospital. The Govt. accepted the offer and the S.G. was asked to forward proposals for utilising the said property.

2. The S.G. has suggested the transfer of chronic cases and those like anaemia etc., which do not require close attention and have to remain as inpatients, to 'Lal Bagh'. He states that about 30 beds are now occupied by such patients in the H.Q.Hl.Mangalore, and the removal of them ~~would~~ will relieve the congestion and overcrowding in the H.Q.Hl. to some extent. He is not in favour of utilising the property for any other departments from the H.Q.Hl. or to house a women and children hospital for the reasons given by the D.M.O. South Kanara at 'x' on pp.141-142 c.f.

3. The S.G. has furnished details of addl.staff etc., with the recurring and non-recurring expenditure involved in respect of his proposal for the utilising 'Lal Bagh' for accommodation of 30 inpatients of the H.Q.Hl.Mangalore. He states that it is not possible to make any transfer of the staff and equipment from the H.Q.Hl. to 'Lal Bagh' for the reasons given by him at 'B' on page 163 c.f. The request of the S.G. for the employment of the follg. staff seems (modest and also) essential:

R

One C.A.S.(cl.II)
Two staff nurses
One clerk
One compounder
4 Nursing orderlies,
One cook
One peon

A recurring expenditure of about Rs.31,800 towards the employment of the above addl.staff, and medicines and appliances, diet, linen etc., and a non-recurring expenditure of Rs.6700/- towards furniture etc., is involved in the proposal. It is for orders whether the staff asked for may be sanctioned temporarily for a period of one year with effect from the date of the occupation of 'Lal Bagh', as also the expenditure towards furniture, medicines, diet etc.

4. ~~Finance department may see for remarks.~~ As the transfer of 'Lal Bagh' is likely to be completed shortly p 161 cf
SR 6.7.50. the transfer of chronic cases may be effected immediately thereafter and the addl. staff equipment etc. asked for, sanctioned during the current year itself. the expenditure being met from the savings under '38 Medical' recently surrendered and resumed.

Fin may see for remarks prior to circulation

mm 8.7.50 Please see the memo on pp 127-8 CF and the DG letters at pp 141 and 163 CF These

will show how the building is to be utilised on transfer. The SG. suggests that all Chronic cases like anaemia etc which do not require close attention may be transferred to Lal Bagh the number of beds will be 30. The SG. points out that Lal Bagh could be utilised for TB patients. Yet in view of the objections raised, these patients need not be housed there. He points out that no of the Department from the Gen. Hospital can be transferred to Lal Bagh. His suggestions may be accepted (Vide in this connection the note on page 34 ante).

2 The staff etc. asked for is detailed in the letter at pp 163-4 Cf and at 'R' on the fr. page. As the patients to be transferred may not require close attention, one nursing orderly and two peons + may be cut down., and

+ A nursing orderly can attend to peons work. 14/3/30

The Compounder may do the clerk's work. Cutting out a clerk and a nursing orderly and a peon the following staff may be sanctioned:—

One	CAS cl II
2	Staff nurses
1	Compounder
3	Nursing orderlies
1	Cook

~~Peon~~. This staff etc. may be sanctioned now but employed as soon as the Lal Bagh buildings are occupied. The S.G. has been asked to get the necessary deed executed for the transfer of the building and to send a report in the matter vide para 2 on p 161 cf. The report is awaited.

Meanwhile the case may be sent to Fin for remarks

13/7/50

14/7/50

Vide Secretariat Manual

Health Dept.
G.O. 5697 H/50-27
14-7-50.

Finance (EIII) Deptt.

(Previous Finance note on page 21 above)

The file relates to the offer as a gift to Government of the property at Mangalore of Sri.C.S.Krishnaswami Naidu known as "Lal Bagh" comprising a two storeyed building with out-houses and 7 acres of land, for the purposes of a hospital. The Government accepted the offer and the S.G. was asked to forward proposals for utilising the above property. The S.G. has now stated that all ~~chronic~~ cases and those like anaemia etc., which do not require close attention may be transferred to "Lal Bagh". The number

ASSISTANT SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT
14 JUL 1950

62826 N

pp 127 cf (A) & the order in G.O. No. 3, N.F
pp 121, 128 cf
pp 163-166 cf

of beds in respect of these cases is 30. The financial implications of the proposal will be as follows:-

Recurring	
Staff	Cost per annum.
One C.A.S.Class II Two staff nurses One Compounder Three Nursing Orderlies One Cook	Rs 11,100
Medicines and appliances	Rs 3,000
Diet, Linen etc.,	Rs 16,500
	Rs 30,600
Non-Recurring	
Equipment, Furniture etc.,	Rs 6,700/- roundly.

The Health Department while recommending the proposal have stated, that the S.G. has been asked to get the necessary deed executed for the transfer of the building and to send a report in the matter, and that the staff may be sanctioned now, but employed as soon as the buildings are occupied. They have also stated that the expenditure on account of the additional staff, equipment etc., may be met from the savings under "38.Medical" recently surrendered and resumed. The notes of Health Department from the middle of page 36 above may be perused.

2. Attention is invited to the S.G's letter at 'B' on page 163 C.F. wherein he has stated that even after the transfer of 30 patients from the Headquarters Hospital, Mangalore to the "Lal Bagh", it will not be feasible to make any transfer from the existing staff or equipment of the former mentioned institution. In the circumstances explained therein, Finance may concede the need for the additional staff and other equipments etc., required for the new building.

The additional staff recommended by the Health Department namely, one C.A.S.Class II, two staff nurses, one compounder, three Nursing Orderlies and one Cook seems to be the minimum required for running a hospital with 30 beds. Finance may agree to the employment of the above additional staff

temporarily for a period of one year in the first instance The other items of recurring and non-recurring expenditure, are not susceptible of any scrutiny and may be accepted.

3. Financial Procedure: As the extra cost involved in the proposal exceeds Rs.10,000/- p.a. recurring, the case will have to be referred to the S.F.C. and the Cabinet before the issue of orders. In case it is considered that the building is likely to be occupied immediately and that there not be time for following the usual procedure, then Finance may advise, that the short circuit procedure indicated in para II(iii) of Finance U.O.Note 26978(A) BG-4 Dated 21-12-47, for waiving a reference to the S.F.C. and the Cabinet, may be followed in the present case.

Thr' Exp.B/Exp.C.

ASSISTANT SECRETARY 24070 29 JUL 1950 HEALTH DEPARTMENT

NOTE FOR CIRCULATION.

The case relates to the offer as a gift to Govt. of the property, at Mangalore, of Sri C.S.Krishnaswami Naidu, known as "Lal Bagh" comprising a two storeyed building with out-houses and 7 acres of land, for the purposes of a hospital. The Govt. accepted the offer and the S.G. was asked to forward proposals for utilising the above property. The S.G. has now reported that all chronic cases and those like anaemia etc., which do not require close attention may be transferred to "Lal Bagh." He has stated that about 30 beds are now occupied by such patients in the H.Q.Hl Mangalore and that the removal of them will relieve the congestion and overcrowding in the H.Q.Hl. to some extent.

2. In connection with the occupation of 'Lal Bagh' for accommodating the 30 patients refd.to above,

the S.G. has proposed the employment of the follg. staff as the barest minimum:, and the incurring of recurring & non-recurring expenditure & Rs. 6,700 respy., of Rs 10,500/- towards the equipment etc. of "Lal Bagh".

*One C.A.S.(cl.II).
Two staff nurses.
One clerk.
One compounder.
Four nursing orderlies.
one cook.
One peon.

Of the staff asked for by the S.G, this department suggested the reduction of the posts of one clerk and one peon. one nursing orderlies ~~out of the four posts of nursing orderlies asked for, and also the post of one peon,~~

The expenditure involved on account of the employment of the rest of the staff ~~temporarily for a period of one year~~ is Rs. ~~30,600~~ 11,100 per annum.

The Finance department have also agreed to the need for the employment of the addl.staff and the incurring of the recurring & non-recurring expenditure of Rs 10,500/- and Rs. 6,700 respy., for running a hospital at 'Lal Bagh' with 30 beds.

3. It is subd. that the S.G. has been asked to get the necessary deed executed for the transfer of the building and to send a report in the matter to Govt. The proposal in ~~this case~~ para 2 above should ordinarily be ~~treated as a 'New Service' and~~ referred to the S.F.C. and the Cabinet. As this procedure will involve dela: and as the building is likely to be taken over shortly it is proposed to adopt the short circut procedure ~~on the advice of Fin.~~, and waive a reference to the S.F.C and Cabinet. The staff asked for may be sanctioned now, for a period of one year in the first instance but employed as soon as the buildings are occupied.

4. The file may be circulated to H.M(Health), H.M.(Fin.) and H.C.M. for ~~orders~~ approval of the above proposals

SR 31-7-50

SECRETARY 31-7-50 10 AUG 1950 HEALTH DEPARTMENT

2/8/50

2/8/50

from previous page

HM (Fin)

HCM

Health (H2) Dept.

Please see pp.41-42 ante. H.Ms. have agreed to the proposal.

A draft order & a draft summarising note are submitted for approval. [It is submitted that the S.G. has not so far sent his reply to paras 2 ~~and 3~~ of the memo. at page 161 c.f. He may be requested to expedite his reply.] Finance may see before issue.

SR
28.8.50.

29-8-50

28/8/50

29/8/50.

Fin (E III)

Health Dept
No. 5697 H/50-28
30.8.50

SENIOR ASSISTANT SECRETARY, FINANCE DEPARTMENT
30 AUG 1950
76005-W
GOVERNMENT OF MADRAS

(Re: Finance note on pp 39-41 above)

The orders in circulation on p 42 above and the notes following may be perused. The draft order below may be accepted subject to the amendments indicated in pencil.

2. The proposal in this file is not a new service ~~according to the views contained in para 3 on p 41 above.~~ A slight amendment ~~to this effect~~ has therefore been indicated in para 4 of the draft order and in para 5 of the draft summarising note.

Fin. No
76005-E III/50
7 Nos B.G.
2.9.50

ASSISTANT SECRETARY
7 SEP 1950
30034
HEALTH DEPARTMENT

Sm 2
1.9.50 2950

PR
3.9.50

5/9/50

Health (H2) Dept

Please see the remarks of the Fin., Dept. above. The amendments indicated in para 4 of the draft order and in para 5 of the draft summarising note may be accepted, the draft order and the summarising note may now be issued.

SR
7.9.50.
7.9.50

CENTRAL PROPAGANDA BOARD.
Fort St.George,
MADRAS.
****

PROCEEDINGS No 148 C. P. B. dated 29.3.1930.

Subject:-- Essays - anti-liquor and drug propaganda - payment of prizes to the public - sanctioned.
(West Tanjore.)